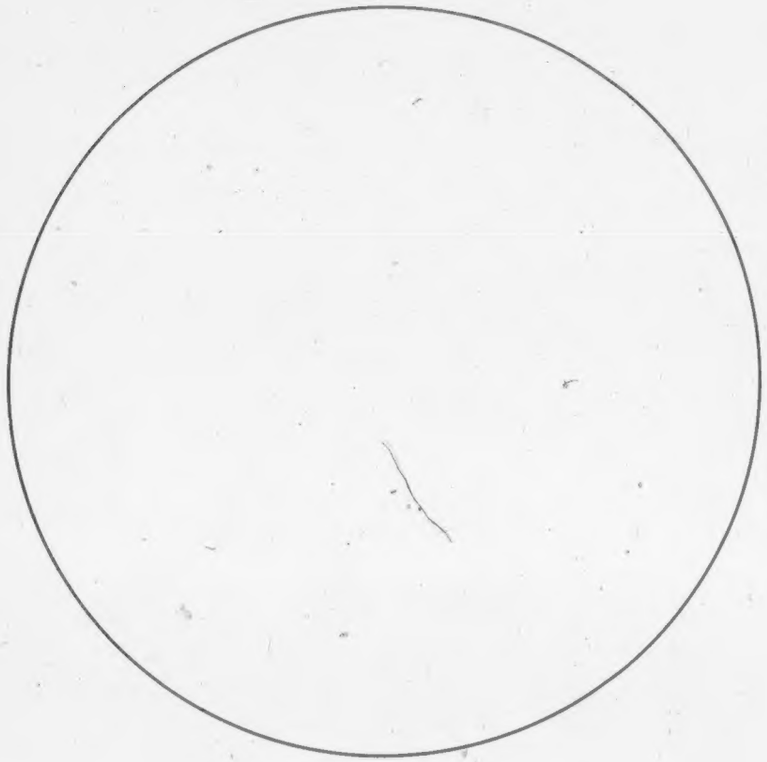
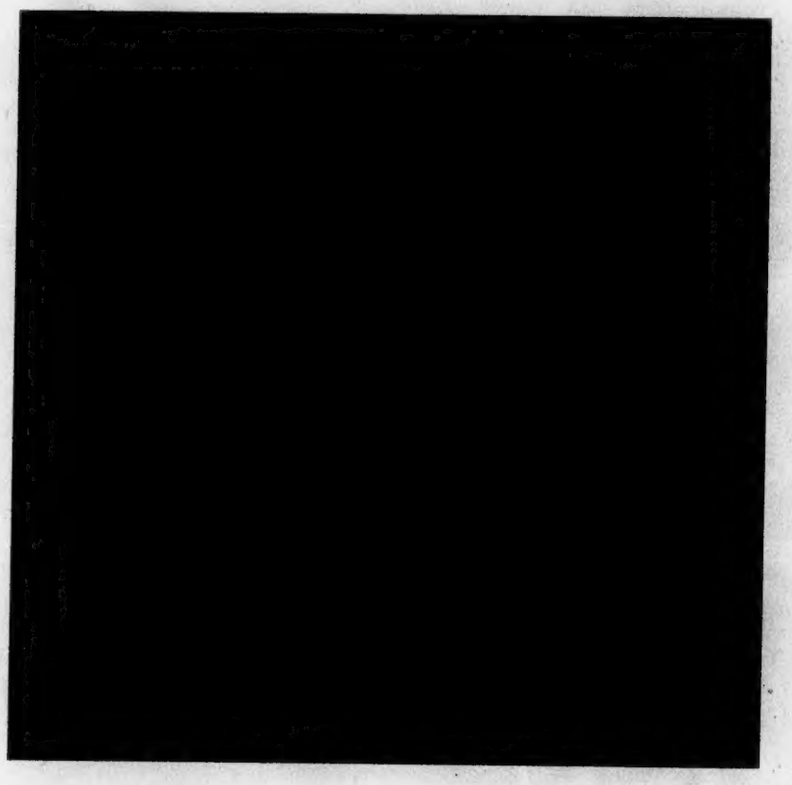


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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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CHEROKEE FREEDMEN 1471 - 1509

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

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Cher Fr 1471

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jack Chambers as a Cherokee Freedman.

Cherokee Freedman-D-1050.

of redemption, as a result of any sale, whether under any judgment, decree or order of any court or otherwise, shall be as effective to bar all persons from any right, title or interest in the property as a foreclosure of the lien of mortgage and a sale and a deficiency judgment thereunder would be effective to bar all persons.

Section 6. Application of Proceeds of Foreclosure Sale. The proceeds of any foreclosure sale of the mortgaged property, or any part thereof, or any asset of Borrower, shall be applied first to the payment of costs and expenses of such sale, including reasonable attorneys' fees, costs of documentary evidence, abstracts and title insurance, and any taxes or assessments then due and unpaid on the mortgaged property, and any other sum which may be required to be paid by Lender pursuant to the terms of this Mortgage; second, to the payment of the indebtedness secured hereby in such order as Lender may determine; third, to the payment of any other sums required to be paid by Borrower pursuant to any provision of this Mortgage; and fourth, to the payment of the surplus, if any, to Borrower or to whosoever may be lawfully entitled to receive the same or as a court of competent jurisdiction may direct.

Section 7. Lender's Right of Possession in Case of Default. At any time after default in the payment of any indebtedness hereby secured or in the performance of any obligation hereunder or upon the filing of a bill to foreclose this Mortgage or upon the occurrence of any event of default described in this Mortgage, Lender shall have the right to enter upon and take possession of the mortgaged property, to collect all rents, issues and profits of the same, including those past due and unpaid, and to apply the same, after payment of all necessary charges and expenses, on account of the indebtedness hereby secured in such manner as Lender may elect or as a court of competent jurisdiction may direct. Such right to take possession, collect and apply rents, issues and profits may be exercised by Lender either prior to, during the pendency of, or subsequent to a foreclosure proceeding, and, if Lender elects to do so during the pendency of a foreclosure proceeding, Lender may do so either before or after entry of a decree for sale, without notice to Borrower or anyone claiming under Borrower, and without regard to the then value of the mortgaged property or the solvency of any person liable for the payment of the indebtedness hereby secured. Lender shall not be liable to account for any action taken pursuant hereto other than for actual rents, issues and profits received by Lender.

Section 8. Lender's Right to Enforce Obligations. Lender may take action to recover any sum which constitutes a part of the indebtedness hereby secured, or to enforce any obligation hereunder, without foreclosing the lien of this Mortgage and without exhausting any of the rights of Lender hereunder.

Section 9. Waiver of Exemption. Borrower waives all rights of exemption as to any of the mortgaged property.

Section 10. Waiver of Appraisement, Valuation, Stay and Extension Laws. Borrower agrees, to the full extent permitted by law, that in case of a default hereunder, neither Borrower nor anyone claiming through or under Borrower will set up, claim or seek to take advantage of any appraisement, valuation, stay or extension laws now or hereafter in force, in order to prevent or hinder the enforcement or foreclosure of this Mortgage, but Borrower, for Borrower and all who may claim through or under Borrower, hereby waives the benefit of all such laws. Borrower, for Borrower and all who may claim through or under Borrower, waives any and all right to have the property and estates comprising the mortgaged property marshalled upon any foreclosure of the lien hereof and agrees that any court having jurisdiction to foreclose such lien may order the mortgaged property sold as an entirety.

Section 11. Waiver of Notice. Borrower shall not be entitled to any notice of any demand hereunder, except as expressly provided herein.

Section 12. Suits to Protect the Mortgaged Property. Lender shall have the power to institute and maintain such suits and proceedings as it may deem expedient to prevent any impairment of the mortgaged property by any acts which may be unlawful or in violation of this Mortgage, to preserve or protect its interest in the mortgaged property and in the rents, issues and profits arising therefrom, and to restrain the enforcement of or compliance with any legislation or other governmental enactment, rule or order that may be unconstitutional or otherwise invalid, if the enforcement of or compliance with such enactment, rule or order would impair the security hereunder or be prejudicial to the interest of Lender.

Section 13. Recovery of Sums Required to be Paid. Lender shall have the right from time to time to take action to recover any sum or sums which constitute a part of the indebtedness hereby secured as the same become due, without regard to whether or not the balance of the indebtedness hereby secured be then due.

Section 14. Examination of Property; Books and Records; Reports. Lender shall have the right to inspect the mortgaged property at all reasonable times and access thereto shall be permitted for that purpose. Borrower shall keep and maintain at all times at Borrower's address stated below, or such other place as Lender may approve in writing, full and accurate books of account and records adequately reflecting the results of the operation of the mortgaged property and copies of all written contracts, leases and other instruments which affect the mortgaged property. Such books of account and records shall be subject to examination and inspection by Lender at any reasonable time. Borrower shall furnish to Lender annually, within ninety days after the end of each fiscal year of Borrower, a balance sheet showing all assets and liabilities of Borrower relating to the mortgaged property as of the end of such fiscal year, and a statement of income and expenses of Borrower in connection with the operation of the mortgaged property during such fiscal year, certified by Borrower.

Section 15. Insurance. Borrower shall keep the mortgaged property insured against loss by fire, hazards included within the term "extended coverage", and such other hazards, casualties, liabilities and contingencies as Lender shall require, and shall furnish Lender with policies evidencing such insurance or certificates of insurance. All insurance shall be carried in companies approved by Lender and the policies and renewals thereof shall be held by Lender and have attached thereto loss payable clauses in favor of and in form acceptable to Lender. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower, and each insurance company concerned is hereby authorized and directed to make payment for such loss directly to Lender instead of to Borrower and Lender jointly. After deducting from the insurance proceeds any expenses incurred by Lender in the collection or handling of said proceeds, Lender may apply the net proceeds in reduction of the indebtedness hereby secured, in such manner as Lender may elect, or may, at its option, either apply or release such net proceeds for the repair or restoration of the mortgaged property subject to such conditions as Lender may impose. Borrower hereby assigns to Lender all unearned premiums accrued or to accrue under any insurance policy now or hereafter insuring the mortgaged property.

Section 16. Taxes. Borrower shall pay all taxes, assessments, water rates and other charges now or hereafter levied against the mortgaged property, or any part thereof, or any interest therein, when due and before any penalty shall attach thereto for the nonpayment thereof, and shall furnish to Lender duplicate receipts therefor within thirty days after demand by Lender. Borrower shall not suffer any mechanic's lien or other lien to be established against the mortgaged property, and shall promptly cause any such lien which has been established to be released of record.

Section 17. Compliance with Laws. Borrower shall promptly comply with all laws, ordinances, regulations and requirements of any governmental body applicable to the mortgaged property, or any part thereof, and shall promptly cure and correct any violation of law or such ordinance, regulation or requirement.

Section 18. Condemnation. Borrower hereby assigns to Lender all awards of damages and all other compensation payable directly or indirectly by reason of a condemnation or proposed condemnation for public or private use affecting all or any part of or any interest in the mortgaged property. Lender may apply all such awards and compensation to the payment of the indebtedness hereby secured in such order as Lender may determine, or may, at its option, either apply or release such awards and compensation for the repair or restoration of the mortgaged property subject to such conditions as Lender may impose. Borrower agrees to execute such further assignments of any awards of damages and other compensation as Lender may request.

Section 19. Additional Security. No other security now existing or hereafter taken to secure the indebtedness hereby secured shall be affected by the execution of this Mortgage, and no other security shall be affected by the taking of any security by virtue of this Mortgage.

Section 20. Successors and Assigns. This Mortgage shall be binding upon and inure to the benefit of Lender and Borrower and their respective successors and assigns.

Section 21. Notices. Any notice, request or other communication given or required hereunder shall be in writing and shall be deemed to have been properly given or served by depositing the same in the United States mail, postage prepaid, addressed to Borrower at the address stated below, or to such other address as Borrower may designate in writing to Lender, or to Lender at the address stated below, or to such other address as Lender may designate in writing to Borrower.

Section 22. Governing Law. This Mortgage shall be governed by the laws of the State of Illinois.

Section 23. Time of Essence. Time is of the essence in this Mortgage.

Section 24. Definitions. As used in this Mortgage, the singular shall include the plural, and the masculine shall include the feminine and neuter, and vice versa, if the context so requires.

Section 25. Borrower's Copy. Borrower acknowledges receipt of a true copy of this Mortgage.

IN WITNESS WHEREOF, Borrower has executed this Mortgage as of the day and year first above written.

[illegible]

[illegible]

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, [illegible], a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that [illegible], personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this [illegible] day of [illegible], A.D. 19[illegible].

[illegible]
Notary Public

My commission expires on the [illegible] day of [illegible], 19[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Jack Chambers for enrollment as a Cherokee Freedman.

Jack Chambers, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Jack Chambers.
Q How old are you? A- I am 54 years old.
Q What is your postoffice address? A Wagoner.
Q What district in the Cherokee Nation are you living? A I am living at Wagoner.
Q Living in the Creek Nation? A Yes, sir.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Do you apply to enroll anybody besides yourself? A No, sir, no one but myself.
Q What was the name of your father? A I don't recollect my father, my father is dead.
Q Do you recollect your mother's name? A Yes, sir.
Q What was her name? A Nicey Chambers.
Q Were you a born slave? A Yes, sir.
Q To whom did you belong? A Chambers.
Q What was his full name? A Joe Chambers.
Q Is Joe Chambers a Cherokee Indian? A Yes, sir.
Q Where were you born? A Born right up here on the river about a mile and a half from here.
Q Cherokee Nation? A Yes, sir.
Q Did you ~~xxxxxxxxxxxxxx~~ leave the Cherokee Nation at the outbreak of the war between the United States and the Confederacy? A Yes, sir.
Q Where did you go? A Went down on Red River.
Q Texas? A Didn't go to Texas, went down in the Choctaw Nation.
Q When was that? A I don't know, sir, I guess it was about in '63, I don't know exactly but I just guess it is about that.
Q How long did you remain there? A I stayed there a good while.
Q What do you mean by a good while? A Well I stayed there eight or ten years and then came backwards and forwards up here, I didn't stay anywhere much long at a time.
Q When you went to Red River in the Choctaw Nation in 1863 you remained there for eight or ten years? A Yes, sir, I came back here though after the breaking out of the war and stayed a year and then I stayed first one place and another, sometimes in the Cherokee Nation and sometimes in the Creek and sometimes in the Choctaw.
Q How long did you remain their continuously when you went there in '63 till you went away at all? A I remained there till the war ended and then came back here.
Q When was that? A That was in '66.
Q How long after the war ended was it before you left there? A I don't know sir, it was the next year after the war, the first part of '66 I came here.
Q Did you leave down there in the early part of the year '66?
A Yes, sir, I think it was in February, yes, sir.
Q Where did you come to, or where did you go to? A I came here to Fort Gibson.
Q Cherokee Nation? A Yes, sir.
Q How long did you remain here? A I didn't stop here, I went on up in Tahlequah district.
Q How long did you remain in Tahlequah district? A Stayed there about ten months.
Q Where did you go to then? A Went from there out to Fort Sill.
Q Fort Sill, Oklahoma? A Yes, sir, I guess in Oklahoma.
Q How long did you remain in Fort Sill? A Stayed there about six months.
Q Then where did you go? A I came back here and went to working

for the stage company.
Q Came back to the Cherokee Nation then? A Yes, sir, and came back here then and went on down to Fort Smith and went to working for the stage company.
Q How long, when you came from Fort Sill to the Cherokee Nation, did you remain in the Cherokee Nation? A I didn't stay here but a little while, and wasn't nothing doing.
Q As much as a week? A Yes, sir, and then I went on down to Fort Smith.
Q How long did you remain in Fort Smith? A I stayed there one or two months, I went to work for the stage company.
Q Stage line in Arkansas? A Yes, sir, they used to be a stage line run from Fort Smith to Sherman, Texas.
Q And you worked on that stage line? A Yes, sir.
Q For how long? A About six months.
Q Where did you go to when you quit working there? A I came back to McAlester? A South McAlester? A Yes, sir, and after the railroad came through I worked on the railroad the balance of my time.
Q How long have you actually resided in the Cherokee Nation at one time? A I don't know exactly, the first time I know I stayed here about ten months, and time of the Wallace Court I stayed here about three years.
Q How long ago was that? A I don't know sir how long that has been, about ten years I guess.
Q How long have you been living in Oklahoma Wagoner? A Been there about a year, no, about ten months.
Q Where did you come from? A Down in the Choctaw Nation.
Q Your name on any of the Cherokee rolls? A No, sir, not that I know of, I have applied to all these Courts, but I never did find it on the rolls.
The 1880 authenticated roll, the 1896 census roll, the Kern-Clifton roll and the Wallace roll examined, and the applicant not identified on any of said rolls.
Q Have you ever lived in the Cherokee Nation as much as one year at any one time? A Oh yes, sir.
Q When? A I have been up here in Tahlequah more than three years at a time.
Q That is about the longest you ever worked here at anyone time, isn't it? A No, sir, the first time I came here I worked - ; no I worked for Mr. Hendricks about eight months.
Q I mean of course after the war? A Oh, yes, sir, that is just what I am telling you, that was just after the war, that is where I first stayed.
Q Well ten months you know isn't as much as three years? A No, sir, I know it isn't, I say there is where I first stayed, ten months, when I first came back.
Q I mean the longest time you have ever worked in the Cherokee Nation at any one time was that three years you spent in Tahlequah, that was the longest time you ever stayed in the Cherokee Nation after the war without leaving it? A I think it is, yes, sir.
Mr. Hastings: who took you to the Choctaw Nation before the war, during the war? A Mr. Chambers.
Q Joe Chambers? A Joe Chambers
Q Joe Chambers alive? A No, sir, he is dead.
Q Any of the rest of his folks alive? A Yes, sir.
Q Who? A Why his children, his wife and all.
Q Well, tell them? A Teese Chambers and Will Chambers, and I can't remember all their names.
Q Did you leave down there before Teese left? A Yes, sir, I did.
Q You left him down there? A Yes, sir.
Q They quit fighting when you came back up here, the war over?
A Yes, sir, the war was done, they were all coming back, I come back with Will Alberty.

Q Which Will Alberty? A Old man Alberty.
Q What year was that? A Well, it was just the next year after peace was declared.
Q Was it the same year peace was declared? A No, sir, it wasn't.
Q What time of the year was it you came? A In February, February when I got here.
Q Where did you come to? A I came to Webbers Falls, and thennI came from Webbers Falls to here.
Q Who was along with Will Alberty? A I don't know, his son-in-law and several.
Q What was his son-in-law's name? A Bill McCracken; I don't remember all their names.
Q Was Bill McCracken's wife along? A I don't remember her name.
Q Was Bill Alberty's wife along, what was her name? A I know her name but I done forgot it.
Q Any colored people with you? A This man (indicating) that is with me was along, and several others.
Q Who? A Jerry Alberty.
Q Where did you come when you came here? A Well I came right here to Fort Gibson.
Q Who did you work for? A I worked for William Hendricks.
Q That is old man Bill Hendricks out here at Menard? A Yes, sir.
Q Where was he living then? A At Chambers old place.
Q Where was that?, A On Greenleaf.
Q And you worked for him ten months? A Yes, sir, I went there and made a crop with him.
Q Then where did you go? A I came down here.
Q Now how long had you been here when you went to Bill Hendricks'?
A When I came, I went to John Snow's father's house.
Q Now where did you go when you left Hendrick's place? A I came down here to Fort Gibson.
Q How long did you stay? A Stayed here till in the winter..
Q Then where did you go? A Went over in the Creek Nation a while and stayed there a while and then went out in the Choctaw Nation.
Q Did you go to Texas? A No, sir.
Q Ever been in Texas? A Yes, sir, I have been in Texas.
Q Are you married? A No, sir.
Q Ever been married? A Yes, sir.
Q Where did you marry? A Married in the Choctaw Nation.
Q What was your wife's name? A Lucinda.
Q When did you marry? A I don't know exactly when I did marry.
Q How long after the war? A A long time after the war, I don't remember.
Q How long after youmwent back down there from up here? A AfterI went back down there; I don't know sir, I guess it was ten years after I went back down there.
Q You stayed down there about ten years before you married?
A Yes, sir.
Q How long did you live with your wife? A Lived with her till she died.
Q How long has that been? A Been about six years.
Q Where did she die? A At Atoka.
Q In the Choctaw Nation? A Yes, sir.
Q She always lived in the Choctaw Nation? A Yes, sir, but she was took from here down there.
Q I mean after you married her? A Yes, sir.
Q You and she kept house down there? A Yes, sir.
Q Did you have any children? A Yes No, sir.
Q After you made a crop for Bill Hendricks you went down there?
A Yes, sir, I went to Fort Sill first..
Q Ad afterwards you went down there? A Yes, sir.
Q And stayed down there eight or ten years and married this woman?
A Yes, sir.

Q And then you lived with her till about six years ago, when she died? A It was '96 when she died.
Q And you lived with her all the time in the Choctaw Nation?
A Yes, sir.
Q How long did you live there after she died? A I haven't lived there at all, I been up here all the time since she died.
Q When did you leave there? A I went down there when she died to see about the things and then I aint been down there since; I came back and haven't been down there since.
Q Where did you go to when you came back up here in '96? A I came to Wagoner.
Q You been living there ever since? A No, sir, haven't been living there ever since, I have been out in Cooweescoowee, I stayed out there once in a while and havenet made my home anywhere exactly.
Q You just been married one time? A Yes, sir.
Commission: What was your wife's name when you married her?
A Lucinda.
Q Lucinda what? A I don't know, sir, I think she was sold to Bill McCracken, I am not certain but I think that is the folks.
Q Did you ever apply for enrollment as a Freedman of the Choctaw Nation? A No, sir.
Q Was your wife a Choctaw? A No, sir, a Cherokee Freedman.
Q Have you ever applied to any other nation or tribe? A No, sir, never have applied only here.

JERRY ALBERTY, appearing before the Commission and being duly sworn and examined, testified as follows:
Commission: What is your name? A Jerry Alberty.
Q How old are you? A Sixty some odd, 67 or 8.
Q What is your postoffice address? A Wagoner.
Q Are you acquainted with the applicant here, Jack Chambers?
A Yes, sir, I used to know him.
Q When did you first learn to know him? A Well, I never knew him till time of the war.
Q You never knew him at the time of the war? A Till time of the war, in time of the war he lived right by us in the Choctaw Nation.
Q You knew him during the war? A Yes, sir.
Q Where were you living at that time? A Down there on Red River.
Q Was he living there when you went to the Choctaw Nation? A No, sir, I guess we went in there about the same time.
Q How long did you remain down there? A Well, I guess about three years.
Q About what time did you go down? A What time I leave here; was in '61 I believe.
Q You remained there three years? A Yes, sir.
Q Was he still living there when you went away? A I think hewas there, I don't know whether he was there when I went there or not, he left there and came back with us.
Q Came back with you? A Came back with Will Alberty, drove hogs back for us.
Q When did you come back? A I came back, I drove the hogs back here in '66.
Q To the Cherokee Nation? A Yes, sir, Webbers Falls.
Q Did he come along with you at that time? A Yes, sir, come plumb to Webbers Falls.
Q How long did he remain there? A Well sir, I can't tell you, he scattered out from there, all the boys that drove hogs they scattered out and I don't know where he went.
Q Do you know to whom he belonged before the war? A Well he belonged to Henry Chambers when I knew him.
Q Was Henry Chambers a recognized citizen? A Yes, sir.

Q Cherokee by blood? A Yes, sir.

Mr. Hastings: Did you ever see him any more after you came to Webbers Falls? A Yes, sir, I saw him again a good while after that.

Q About how long? A Must have been two or three years.

Q What time was it you came to Webbers Falls, what year? A It was in the winter.

Q In the early part of '66 or the last part, must have been about, must have been early part, in the early part of '66.

Q Early part of '66; then you never saw him for sometime after that? A Well it was a good many years.

Q You never saw him after the early part of '66 until several years? A No, sir.

Q You don't know where he was? A No, sir, it was several years from that before I ever saw him any more.

Q Have you ever saen him living here, with a home here? A No, sir.

Q Have you ever known him to have a home in the Cherokee Nation since the war? A No, sir, never did.

Q You know where he married? A No, sir.

Q Did he tell you? A No, sir, never did tell me where he was married, I didn't know he ever was married, I never asked him.

Q Did you see him very often? A Not often.

Q You don't know then where he has been? A No, sir, I don't know where he has been; well I know he came out here with us and after that I never tried to keep track, never kept no track of him.

Q You don't know whether he went back or what became of him?

A No, sir.

Q How long has he been here this time, around here this last time, since he came this last time how long has he been here? A Well I seed him here I expect it has been two months ago.

Q Where? A Here at Wagoner.

Q You know where he came from then? A No, sir, he said he was working there.

Q How long had it been since you had seen him before that?

A Been a couple of years I guess, or longer than that.

Q Well how long had it been since you had seen him before that, when you saw him a couple of years ago? A Well I can't tell you.

Q Well had it been a short time or a long time? A It had been a long time, I can't hardly recognize him when I saw him at Wagoner, I knew him by his eyes.

Commission: Jack Chambers applies for the enrollment of himself as a Cherokee Freedman. He avers that he was the slve of one Joe Chambers, a Cherokee Indian. It appears from the testimony that he went to the Red River in the Choctaw Nation in the year 1863; that he remained there until February, 1866, when he returned to the Cherokee Nation. He remained in the Cherokee Nation about ten months and then went to Fort Sill, Oklahoma. He remained at Fort Sill some six months and then went to Fort Smith, Arkansas, and remained there some six months. It does not appear that he has ever made his home in the Cherokee Nation since the year 1863 for a longer period then three years at any one time. His name cannot be found upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission. For the further consideration of the Commission his name will be placed upon a doubtful card, and he will be listed for enrollment as a Cherokee Freedman. When the decision of the Commission is finally rendered, he will be notified in writing at his present postoffice address.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Swn to and subscribed before me this the 23rd of September, 1901.

Commissioner.

1903

CC

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 20, 1901.

Post Office Wagoner, I. T.

District Creek Nation

1. Name Jack Chambers — Age 54
   Owner's name Jack Chambers — Citizenship Cherokee by blood
   Year — Page — No. — District
   Parents:
   Father — — dead — Citizenship
   Mother Nicy Chambers — Citizenship Colored.
2. Name of wife — Age
   Owners name — Citizenship
   Year — Page — No. — District
   Parents:
   Father — Citizenship
   Mother — Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by # 1 — Stenographer Bruce L. Jones

1 Was any Tribal Roll in possession of the Commission?

Cherokee Freedmen D 1050

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jack Chambers as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on September 20, 1901 Jack Chambers appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman.

The evidence in this case shows that the applicant, Jack Chambers, was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and with the exceptions below noted, has since continuously resided within the domain of the Five Civilized Tribes. Since the year 1866, the applicant has resided six months at Fort Sill, Oklahoma, and six months at Fort Smith, Arkansas, but it does not appear that his rights to citizenship in the Cherokee Nation have been forfeited thereby.

It is, therefore, the opinion of this Commission that Jack Chambers should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 2[illegible], 189[illegible] (30 Stat., 49[illegible]), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUN[illegible]

DECISION.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

CCF

Cherokee Freedmen

D-1050.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Jack Chambers as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Incl. S-9

Cherokee F D-1050.

Muskogee, Indian Territory, July 18, 1905.

COPY.

Jack Chambers,

Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you wi l not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

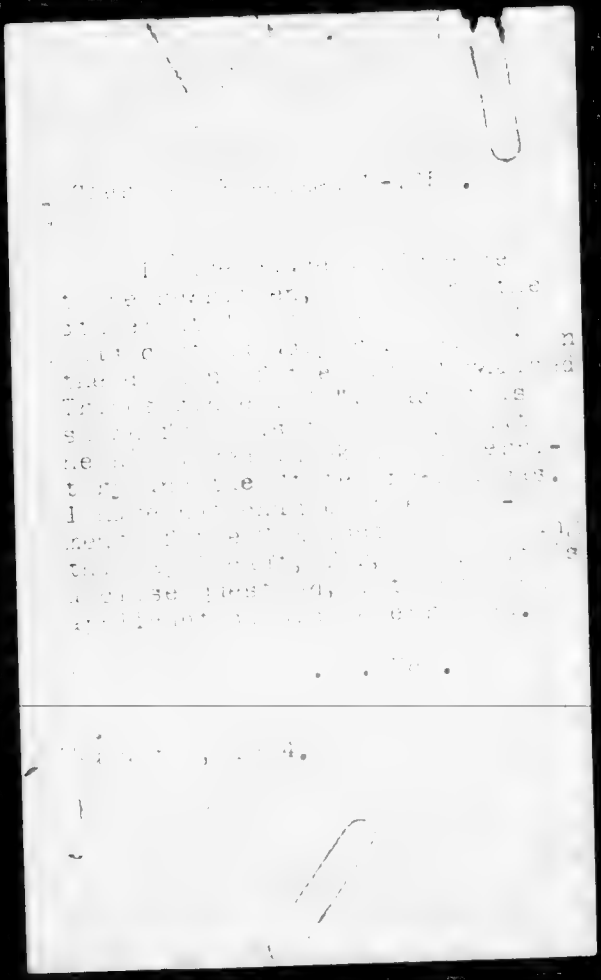
Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

Incl. L-76.

GHL





Cher Fr 1472

Cher Fr 1472

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura Johnson, and her minor children, George and Nancy Johnson as Cherokee Freedmen.

-:-

Cherokee Freedmen D 894.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Laura Johnson for the enrollment of herself and two children as Cherokee Freedmen.

Laura Johnson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Laura McNair.
Q How old are you? A 26.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir, descendant.
Q Who do you want to enroll besides yourself? A Two children.
Q What are the names of your two children? A George Johnson, he is on the roll with Ellis Webber.
Q How old is he? A 6 years old.
Q The name of your next child? A Nancy Johnson.
Q How old is Nancy? A 4 years old.
Q The next one? A That is all, just two.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Frank Johnson.
Q How does your name happen to be McNair; it is Johnson, isn't it?
A That is the way it is put on the roll.
Q I didn't ask you that. What is your father'sname? A George McNair.
Q Your mother's name? A Martha McNair, she was a Nave before she married.
Q Is your name on the roll of 1880? A No, sir, it is on the Wallace roll.
Q Who do you claim your citizenship through? A My mother.
Q Is your mother enrolled here? A She is dead, my grandmother has been here and enrolled, my grandfather.
Q You got any brothers or sisters? A Yes, sir.
Q Well, what is your brother's name? A I have no brothers, sisters.
Q What is your sister's name? A Dinah McNair and Sarah McNair and Flora and Isabel.
Q Have they been enrolled? A Two or them have been enrolled.
Q Where is your husband? A He is gone, out af in the country.
Q Is he a citizen? A Yes, sir.
Q He is putting it then on you? A Me and him is parted.
Q Your mother and father both dead? A Yes, sir.
Q Who has got these children? A Me.
Q Have you got any witnesses here in your case? A Yes, sir, Dinah Vann and Edward Vann and Dave French.
Q Who of your sisters has been here and enrolled? A Flora and Sarah.
Q What is their names? A McNair, but she is married, Flora.
Q Where were you born? A Pryor Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Live in the Cherokee Nation now? A Yes, sir.

O The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

O The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

O The Kern-Clifton roll examined and the applicant not identified thereon.

✓ The Wallace roll examined and the applicant identified thereon, Page 124, No. 2599, Cooweescoowee district, as

Laura E. McNair.

Q Your husband is named Frank Johnson? A Yes, sir.
Q Is he your first husband? A Yes, sir, my first husband.
Q Never married before? A No, sir.
Q Was he ever married before? A No, sir.
Q You and him not living together now? A No, sir.
Mr. J. S. Davenport, Cherokee attorney: Where did you live when you married Johnson? A Living with my grandmother and grandfather.
Q What place? A On the Verdigris.
Q Cherokee Nation? A Yes, sir.
Q Did you live there until you and he separated? A Yes, sir, I am living there now.

Commissioner: Laura Johnson applies for the enrollment of herself and two children, George, age 6 years old, and Nancy, four years of age. She avers that she is the child of George and Martha McNair, and she is now married to one Frank Johnson. She avers that she is the sister of Sarah McNair, who is listed for enrollment on D card 868. She makes satisfactory proof as to her residence, and the testimony taken in the matter of the application of her sister, Sarah McNair, on D card 868, will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Said Laura Johnson, nee McNair, and her two children, George and Nancy, will be listed for enrollment as CherokeeFreedmen. It will be necessary for her to make proof as to the birth of said children, their names not appearing upon any of the rolls of the Cherokee Nation. She will be notified by mail of the decision of the Commission in the premises.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

Commissioner.

B

3D 894

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27, 1901

Post Office Tahlequah I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 Name of wife Laura ~~McNair~~ Johnson Age 26

Citizenship .....

Owner's name .....

Year Wallace Page 124 No. 2599 District Coo

Parents:

Father Geo. McNair — dead Citizenship .....

Mother Martha " — dead Citizenship .....

Names of Children:

2 George Johnson Year ..... Page ..... No. ..... Dist. .....

3 Nancy " Year ..... Page ..... No. ..... Dist. .....

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by W.A.

Stenographer B. C. Jones.

On Wallace roll as Laura E. McNair.

2 & 3 Birth affidavits to be supplied

CHEROKEE FREEDMAN. D894

20

IN RE

Application for Enrollment of

INFANT CHILD

Nancy Johnson

as a citizen of

CHEROKEE Nation.

JUN 27 1901

Approved. 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

Assistant Attorney.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Nancy Johnson, born on the 25 day of January, 1897
(Here insert name of child)
Name of Father: Frank Johnson, a citizen of the Cherokee Nation.
Name of Mother: Laura Johnson, a citizen of the Cherokee Nation.
Post-office, Tenaspah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Laura Johnson, on oath state that I am 26 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Frank Johnson, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on the 25 day of January, 1897 that said child has been named Nancy Johnson, and is now living.

her
Laura X Johnson
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
Anna H Butler
Minnie Foreman.

Subscribed and sworn to before me this 27 day of June, 1901.

Louis T Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Dinah Vann, a midwife, on oath state that I attended on Mrs. Laura Johnson wife of Frank Johnson, on the 25 day of January, 1897 that there was born to her on said date a (male or female) child; that said child is now living and is said to have been named Nancy Johnson.

her
Dinah X Vann
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
Anna H Butler
Minnie Foreman

Subscribed and sworn to before me this 27 day of June

Louis T. Brown

CHEROKEE FREEDMAN. D 894

20

IN RE

Application for Enrollment of

INFANT CHILD

Grace Johnson

as a citizen of

CHEROKEE Nation.

JUN 27 1901

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

Secretary.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Gurge Johnson (Here insert name of child), born on the 27 day of August, 1894

Name of Father: Frank Johnson, a citizen of the Cherokee Nation.

Name of Mother: Laura Johnson, a citizen of the Cherokee Nation.

Post-office, Tenapah I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
Northern District. }

I, Laura Johnson, on oath state that I am 26 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Frank Johnson, who is a citizen, by adoption of the Cherokee Nation; that a male (male or female) child was born to me on the 27 day of January 1894 that said child has been named Gurge Johnson, and is now living.

Laura her X Johnson mark

WITNESSES TO MARK:

(Must be Two Witnesses) Anna H Butler
Minnie Foreman

Subscribed and sworn to before me this 27 *day of* June 190 1.

Louis T. Brown
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
Northern District. }

I, Sinah Vann, a midwife, on oath state that I attended on Mrs. Laura Johnson, wife of Frank Johnson on the 27 day of August, 1894 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Gurge Johnson.

Sinah her X Vann mark

WITNESSES TO MARK:

(Must be Two Witnesses) Anna H Butler
Minnie Foreman

Subscribed and sworn to before me this 27 *day of* June 190 1.

Louis T. Brown
NOTARY PUBLIC.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 31 1904

File with Laura Johnson, C.F., D-894.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Sarah McNair for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Sarah McNair.
Q How old are you? A I am 16.
Q 16? A I am 20 I mean, 24.
Q Is that your name now, Sarah McNair? A Yes, sir.
Q 24? A Yes sir.
Q What is your postoffice? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself and my sisters.
Q How old is your sister? A I can't tell exactly.
Q Is she here? A Yes, sir, they are all four here.
Q They are here to enroll themselves? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Got any children? A No sir.
Q What is your father's name? A George McNair.
Q Are you on the roll of 1880? A Yes sir.
O 1880 authenticated roll of citizens of the Cherokee Nathion examined and applicant not found thereon.
Q What is your mother's name? A Martha Nave before she was married
Q You claim your citizenship through your father or mother, or both?
A Both.
Q Have you got any witnesses? A Yes sir.
Q Have your father and mother been enrolled here yet?, A They are dead.
Q Your father and mother are both dead? A Yes sir.
By Mr. Hastings, Cherokee Rep've:
Q When did they die? A I can't tell exactly.
Q Before the Kern-Clifton enrollment? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes sir, on the Wallace roll.
Q Where were you born? A In Cooweescoowee.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Who are your witnesses? A Dinah Vann and Ed Vann.
✓ Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 124 #573 Sarah McNair, ~~Cooweescoowee District~~;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
O

DINAH VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Dinah Vann.
Q How old are you? A 60.
Q What is your postoffice? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Sarah McNair, the applicant? A I raised these children; I raised 5 of them.
Q Well I am talking about this one? A Yes sir.
Q What was her father's name? A George McNair.

Q What was her mother's name? A Martha Nave.
Q Were they slaves? A Yes sir.
Q Who did they belong to? A Miss Nave, Alex Nave's wife.
Q Was she a Cherokee? A Yes sir.
Q When did George McNair die?, A Well I couldn't tell you.
Q Did he die before the war? A Oh no sir, he died on Pryor's Creek.
Q About how long ago? A I don't know how long.
Q When did Martha die?, A She died sincehe died.
Q And they both died since the war? A Yes sir.
Q Well about how many years ago? A I don't know exactly how many years.
Q You say they were the slaves of Nave? A Yes sir.
Q Were they taken out of the Cherokee Nation during the war? A No sir, they didn't take them out.
Q Never took them out of the Cherokee Nation? A No sir, they aint never been out until time of the war.
Q Then they went out did they time of the war? A Yes sir.
Q Where to? A She is my daughter; went to Kansas.
Q Where did George go? A Went south.
Q When did George and Martha come back? A Martha came back whenI did.
Q When was that? A '66.
Q She lived here until she died? A Yes sir.
Q When did George come back? A I don't know exactly, the men folks will know.
Q You don't know? A I don't know exactly when George died.
Q Did they live together as man and wife after they came back until they died? A Yes sir.
Q This child was born then? A Yes sir.
Q What's the names of the other four children? A Laura is the oldest one.
Q Is Laura married? A She was married, but she aint married now.
Q What's her husband's name? A Frank Johnson.
Q What is the next one after Laura? A Isabelle.
Q Is she married? A She was married, but she aint married now.
Q Who was she married to? A Eddie Venn.
Q What is the next one? A Flora.
Q Is she married? A Yes, sir.
Q Who did she marry? A Will Love.
Q She living with Will Love now? A Yes sir.
Q What's the next one? A Annie.
Q Is Annie married? A No sir.
Q Annie is single? A Yes sir.
Q Are you the grandmother of these children? A Yes sir, I raised all 5 of them since their mother died.
Q They are all the children of Martha Nave by George McNair are they? A Yes sir.
Q And Martha came back here in '66? A I brought her back with me in '66.
Q Is your name on the roll of 1880? A I guess it is.

By Mr. Hastings:

Q How old was this girl's mother when the war came up? A She had 2 children.
Q What was their names? A When the war got up?
Q Yes, when it come up? A 2 children.
Q You think she has 2 children? A Yes sir, she had 2 children.
Q What was their names? A Laura and Bell.
Q That was before the war? A No, it must have been since.
Q Well these children were they born before the war or since the war? A Since the war.
Q Where were theyborn? A On Pryor's Creek.
Q Where was this girl born? A Yonder in -

Q In Kansas? A No sir, she never had nary a child in Kansas, all of these children were born on Pryor's Creek and the Verdigris.
Q Well was this one born on the Verdigris? A Yes sir.

Applicant, Sarah McNair, recalled, and further examined;
By Mr. Hastings:
Q Did you apply before the Kern-Clifton Commission for enrollment?
A Yes sir.
Q Under what name? A McNair.
Q What is your first name? A Sarah McNair.
Q Where did you apply? A Lightning Creek.
Q Were you enrolled? A Yes sir.
Q Did you draw money? A Yes sir.
Q On Kern-Clifton roll? A No sir, on the Wallace roll.
Q Well I mean when Kern and Clifton was around here, did you make application then? A No sir.
Q You didn't? A No sir.
Q Why didn't you? A My grandmother didn't get the money.
Q Well did you apply for enrollment before the Kern-Clifton Commission? A Yes sir.
Q Under what name? A McNair.
Q What was five years ago? A Yes sir.
Q Where did you apply? A Lightning Creek.
Q At Hayden? A Yes sir.
Q And you applied under the name of McNair? A Yes sir.
Q Did you go in yourself and testify? A No sir, my grandma testified.
Q This woman? (pointing to witness) A Yes sir.

Witness, DINAH VANN, re-called and further examined:
By Mr. Hastings:
Q Where did you live before the war? A Lived right in Flint.
Q Where did this girl's mother live? A Right there in Flint with me, the same owners.
A You had the same owners? A Yes sir.
Q I am trying to get from you how old her mother was when the war come up? A Well I don't know exactly.
Q Was she grown? A Yes sie, young woman, grown when the war come up
Q Had no children? A She has that oldest girl.
Q What was her name? A Laura.
Q Then Laura was a slave herself? A Yes sir.
Q Where did you go during the war? A Kansas.
Q Did the mother of this applicant go with you? A Yes sir, she went with me.
Q What place in Kansas? A 6 miles from Iola.
Q Now Aunty, who came along in the same crowd that you came along in? A I couldn't tell you who all there was, but all of my kinfolks come along, Joe Wolf.
Q Who else come along? A Mose Nave, he is dead.
Q Mose Nave came along? A Yes sir.
Q Who else came along? A George Landrum come along.
Q Who else? A Wll I couldn't tell you who all now.
Q Where did you come to? A Pryor's Creek.
To what place on Pryor's Creek? A Up the creek ther right there where the section house is now.
Q And you located right there did you? A Yes sir.
Q Well now this girl's father and mother were not married at that time were they? A No sir, they married there on Pryor's Creek.
Q What time of the year was it you got there? A '66.
Q Well what time? A Oh I couldn't tell you.
Q You know whether it was in the spring or summer? A In the spring

Q In the spring of '66? A Yes sir.
Q You made a crop there that spring? A Yes sir.
Q On whose place? A Our own, we plowed land and made a crop.
Q Was it a new place or an old place? A Newplace.
Q You made a new place there that year? A Yes sir.
Q What Cherokees lived around you? A I didn't know any but John Crass.
Q Did he live there? A He lived there in the house.
Q About how far from you? A About 6 miles.
Q How long after you came back now until you saw this girl's father
A Well it wasn't long.
Q Where did this girl's mother die? A Die to my house on Pryor's Creek.
Q Did she continue to live with you all the time while she was living with her husband? A She lived there in a half a mile, but she died at my house. He was dead then.
Q Where did he die? A He died there at his house, half a mile, and then she took sick and come to,my house and she died right in my house.
Q Did she ever live off of Pryor Creek after the war? A No sir.
Q She always lived right there? A Always right there.
Q And this girl was born there was she? A This girl was born there
Q She wasn't born when you came back here after the war? A No sir
Q Did you apply for this girl to the Kern-Clifton Court 5 years ago when Kern and Clifton and Turner and all of them were around, like they are now, and did you try to enroll this girl, to draw her money?
A I don't know, sir, I didn't get no money.
Q Did you go in though before the Court and testify about her or not? A I testified for the children.
Q Did you for this one? A I must have tested, I had them all, Imhad all the children and raised the whole family.
Q What did you say her father's name was? A George McNair, and he died.

By Com'r Needles:

Q Your name is on the 1880 roll? A Yes sir.
Q Was your daughter Martha's name on the roll of 1880? A She drawed at Vinita.
Q Her name now is Martha Nave, her name when she died was Martha Nave? A Yes sir.
Q Did she have a husband named Nave? A No, sir, she just went by owner.
Q She never went by the name of Martha Vann? A No sir.

O 1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and not found.

By Mr. Hastings:

Q Was you and Ed Vann living together when you came back here after the war? A No, we married since, I come back with a man named Armstead Bell, that was my man then.

Remainder of this case taken by Stenographer -_____

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green

Subscribed and sworn to before me this July 9, 1901.

Signed, T. B. Needles,
Commissioner.

Sarah McNair Application continued: Former portion taken by Stenographer M. D. Green.

EDMOND VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Edmond Vann.
Q Your postoffice? A Lenapah.
Q How oldare you? A 58.
Q Are you the husband of Dinah Vann? A Yes, s?r.
Q Do you know the applicant here, Sarah McNair? A Yes sir.
Q What was her father's name? A Johnse McNair.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Belonged to Susanna McNair.
Q Did you know her mother? A Yes sir.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A Aleck Nave.
Q Well, do you know whether her mother and father went out of the Cherokee Nation? A Judge we went south.
Q When were not married until after the war? A No, sir.
Q Where did Martha go? A She went North.
Q Do you know when she returned? A No, I don't.
Q When did you first see her? A Over on Pryor's Creek.
Q When? A '70.
Q Is she the mother of Sarah McNair? A Yes, sir.
Q Where was Sarah born? A Sarah was born up here.
Q In the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Q Do you know when George McNair come back? A No, sir.
Q When did you first see George after the war? A Well him and Martha McNair was married when I saw him and had one child.
Q In '70? A Yes, sir.
Q So you never saw them until 1870? and don't know when either of them returned? A No sir.

Com'r Needles: Sarah McNair applies for the enrollment of herself. She avers that she is a child of George McNair, that her mother was Martha Nave. She avers that George and Martha were married after the Civil War and that she was born and raised in the Cherokee Nation and lived here all her life. She avers that she is unmarried. As to proof of her citizenship and as to the time when her father and mother returned to the Cherokee reference is made to the testimony. She cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace rolland she is duly identified as indicated upon that roll according to the pace and number as indicated in the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. She avers that she was raised by Dinah Vann, who was her grandmother, Dinah Vann having been the mother of her mother. The said Dinah Vann is duly identified upon the authenticated roll of 1880. She will be notified of the action of the Commission in the premises by mail.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this July 12, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized He copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 29th of July, 1901.

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE [illegible]
FILED

File with C.F. D-894, Laura Johnson et al.

SUPPLEMENTAL:C.F.D-868

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita,I.T.,October 28,1901.

In the matter of the application of Sarah McNair for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Mr.Smith, of Mellette & Smith, for applicant;
Mr.Davenport, of attorneys for the Cherokee Nation.

(By Stenographer:This testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green, and is transcribed by the latter.)

S.H.MAYES, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A S.H.Mayes.
Q How old are you? A 56.
Q What is your post-office? A Pryor Creek.
Q Are you ex-Chief Mayes of the Cherokee Nation? A Yes sir.
Q You want to give some testimony in Cherokee Freedman doubtful case 868? A Yes sir.
Q The case of Sarah McNair? A Yes sir.
Q What do you want to say about that? A (No reply)

BY MR. DAVENPORT:

Q Did you leave the Cherokee Nation during the war, Mr.Mayes?
A Yes sir.
Q When did you return? A I came back first in 1866.
Q Where did you come to then? A Came to Pryor Creek.
Q Then how long did you stay there? A I left there then in November of the same year, '66.
Q When did you come back and locate permanently? A I come back in '67; I was in the Cherokee Nation again in '67.
Q To what point did you come then? A That I left here?
Q Yes sir.? A I went to Red River and moved back in the Fall of November.
Q To what point did you come in 1867? A I come to Pryor Creek.
Q Did you know a colored person by the name of Sarah McNair, now? A No sir.
Q Do you know one by the name of Jane Whitmire? A I do not.
Q Did you ever know a colored woman by the name of Dinah Vand or Nave? A I knew one we always called Dinah Nave; she was the wife of a colored man by the name of Armstead.
Q Where did you see her before the war and when? A The first time I saw her after the war was in '68, at my home place.
Q Where was she? A She came to our place there on Pryor Creek.
Q Did you ever know any of her children? A No sir.
Q Who did you say her husband was? A Well I say I don't know; she had a boy, I think she had a boy, I know the woman well; I know the woman as well as I know anyone,- Armstead.
Q What was Armstead's name? A We always called him Armstead Nave.
Q He was a blacksmith.
Q He was the husband of Dinah Nave? A Yes sir.
Q What year did you say that was? A I say it was in '68.
Q Where was it you saw her? A I saw her at my home place where my mother lived.
Q Did you know her before the War? A Yes sir.
Q Did you have any conversation with her or learn from where she came? A She lived up on Pryor Creek.
Q Where have you been living from the time you came back in 1867?

A I live right in that neighborhood.
Q Had you been around thorough the neighborhood there where you afterwards learned these parties were located? A I herded cattle there for Blue Alberty around in the neighborhood of Pryor Creek in 1867.
Q How far was that where you herded the cattle in 1867 from where they were living when you first heard where they were living? A It was about 5 or 6 miles, of course I was closer.
Q Where was she living with reference to where Alberty lived? A About six miles.
Q Were they there in 1867? A I never saw her there in '67.
Q Do you know whether she is living now or dead? A I don't know whether she is living or not.
Q Do you know whether her husband Armstead? A Armstead is dead.
BY MR.SMITH:
Q Whose husband is Armstead? A That was her aunt Dinah, old aunt Dinah; I understand that is the same person.
Q About how old would she be now? A She would be an old lady.
Q About what age would you say? A I suppose she would be somethere in '60s.
Q and you called her Dinah Nave? A Yes sir, her husband was named Armstead and they both belonged to old Alex Nave.
Q Do you know whether the woman you are talking about is the same woman who now goes by the name of Dinah Vann? A Couldn't; only understand so.
Q You don't know of your own personal knowledge? A No sir.
Q Well you came up in the spring or summer of 1866? A Yes sir.
Q And you stayed here a short time and went away again? A I stayed there until November, I left prior to November 1866.
Q And you came back here what time? A I came back in the spring of 1867.
Q And xxx xx how long did you stay that time? A I left again that fall and went back to Red River.
Q Your folks, the family, were not out here in the Cherokee Nation until when? A They came back in '67, fall of '67, in November.
Q Who was the owner of this woman you are talking about, Alex Nave? A Alex Nave, yes.
Q How far was that from where you lived when you came back? A We lived in Flint District about 3 or 4 xxxxx or 5 miles near Evansville and Alex lived about a mile and a half from where I lived.
Q You came back to Pryor's Creek? A Yes sir.
Q That was about how far from where Alex Nave lived prior to the war? A About 65 miles.
Q You were about 65 miles from the old home of this slave? A Yessir.
Q You don't know when she first came back to the Cherokee Nation?
A No sir, the first time I saw her was in '68.
Q You don't know how long she had been back here when you saw her?
A No sir.

COMMISSIONER: Copies of this testimony will be filed in Cherokee Freedmen Doubtful casses 868, 878, 844, 898 and 797.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case as dictated to him from the stenographic notes of J.O.Rosson by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this November 16th, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, August 27, 1903.

In the matter of the application for the enrollment of Sarah McNair and others as Cherokee Freedmen, consolidating the applications of

Sarah McNair,.....Cherokee Freedmen D 868
Flora Love,.....Cherokee Freedmen D 878
Isabell Vann, et al.,.....Cherokee Freedmen D 898

S U P P L E M E N T A L S T A T E M E N T.

An examination of the 1893 census roll of Cherokee Freedmen now in possession of the Commission, shows that the applicants, together with their sister, Laura Johnson, who is listed on Cherokee Freedmen card D 894, are identified on said roll as follows:

Sarah McNair,.....Coowescoowee District, #449
Flora Love as Flora McNair,..Coowescoowee District, #450
Isabell Vann as Belle Vann,..Coowescoowee District, #453
Dinah McNair,.....Coowescoowee District, #451
Laura Johnson as Laura McNair,Coowescoowee District,#452

and that there is a note opposite the names of the three applicants first above mentioned, to the effect that they are the orphan children of Martha McNair, deceased; also a note opposite the name of Belle Vann as follows: "Belle Vann on authenticated roll as Belle McNair."

Copies of this statement are ordered filed in the above entitled cases, also in the case of Laura Johnson, et al., Cherokee Freedmen D 894.

Commissioner.

Cherokee Freedmen D 94.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura Johnson and her minor children, George and Nancy Johnson, as Cherokee Freedmen.

-:-

D E C I S I O N.

The record in this case shows that on June [illegible], 1901, Laura Johnson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor children, George and Nancy Johnson as Cherokee Freedmen. An affidavit showing the birth of George Johnson on August 27, 1894 and Nancy Johnson on January 20, 1897, and the testimony taken in the application of Sarah McNair, Cherokee Freedman D [illegible] is filed with and made a part of the record in this case.

The evidence shows that one Martha McNair, deceased, was the mother of the principal applicant, Laura Johnson, and that the said Laura Johnson is the mother of the minor applicants, George and Nancy Johnson; that the said Martha McNair was the widow of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Rollin White, trustee, etc., vs. the Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that the applicants herein were born since 1866, and have resided in the Cherokee Nation all their lives. The principal applicant, Laura Johnson, is enrolled on the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that Laura, George, and Nancy Johnson, [illegible] ed as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved [illegible], 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JUN 30 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Laura Johnson,
Lenapah, I. T.
Cherokee-T-N-894.
Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D-894.

Muskogee, Indian Territory, September 9, 1903.

Laura Johnson,

Lenapah, Indian Territory.

Dear Madam:

In the matterof your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to the date of your birth, whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and whether you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-894.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Laura Johnson, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-21

REFER IN REPLY TO THE FOLLOWING

Cherokee F D
894.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 18, 1905.

Laura Johnson,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for the enrollment of yourself and minor children, George and Nancy Johnson, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

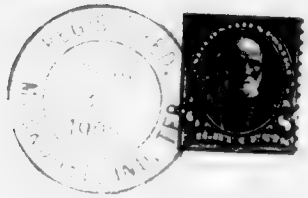
Respectfully,

Commissioner.

Incl. L-77.

GHL





Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mrs. Mary Johnson,

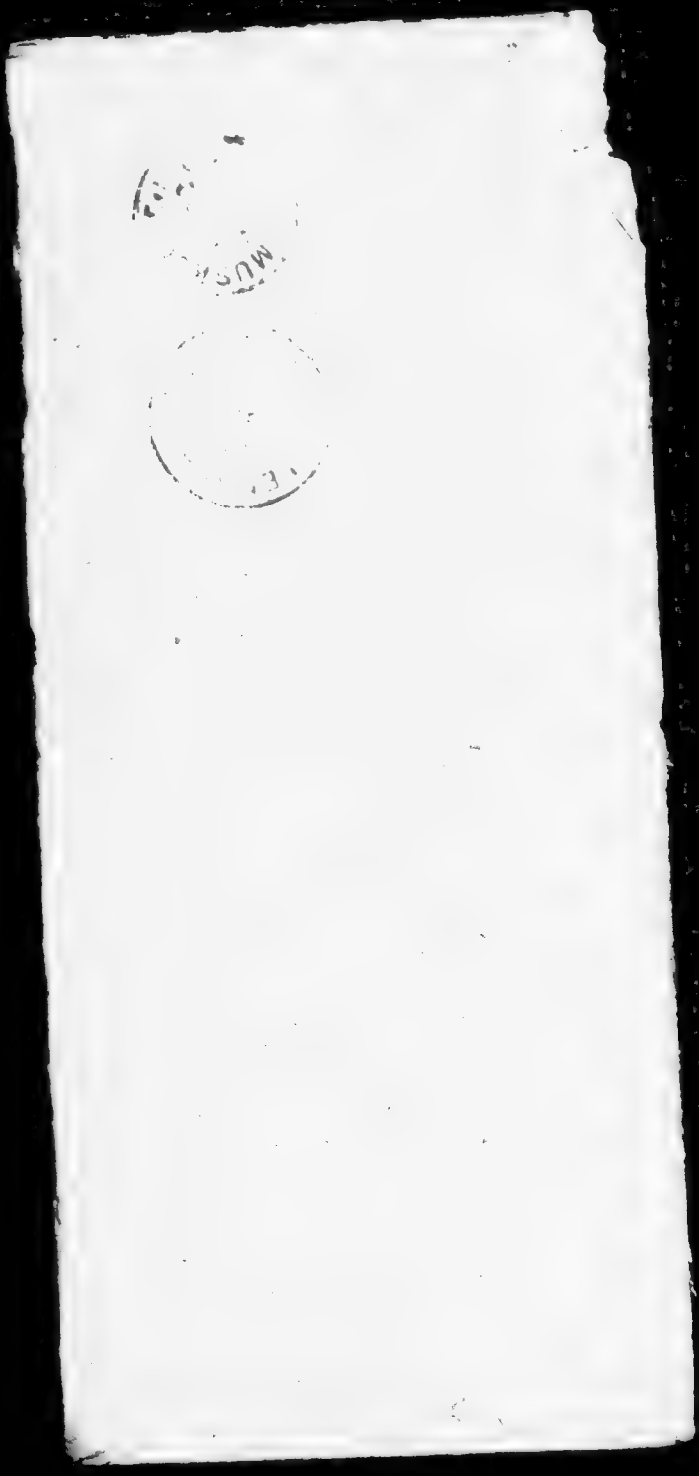
Denison, Indian Territory.

Deceased (left no will for order)

Grant the [illegible]

RETURN TO MUSKOGEE I.T.

[illegible]



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



U.S. Commissioner



Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Return

Laura Johnson,

Lenapah Indian Territory.

General Office Cherokee Div.
Advising that further testimony
is required in re application
for enrollment

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Laura Johnson,
Lenapah Indian Territory.

Return

Cher Fr 1473

Cher Fr 1473

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 17 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 16th 1901.

In the matter of the application of Polly Boyd for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Polly Boyd
Q What is your age? A, 46.
Q What is your post office address? A. Vinita.
Q What district do you live in? A. Illinois.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied for enrollment as a Cherokee Freedman of any other tribe or Nation? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself
Q What is your fathers name? A. Jake Morga.
Q What is your mothers name? A. Peggy Alberty.
Q Are you married? A. Yes sir.
Q What is your husban's name? A. Frank Boyd.
Q You say your name is not on the roll of 1880? A. Yes sir.
Q Why not? A. I don't know.
Q Where were you born? A. Here in the Territory.
Q Were you born a slave? A Yes sir.
Q What was your owners name? A. Lou Alberty.
Q Where were you during the war between the United States and the Confederacy? A. In Texas.
Q When did you return from Texas? A. In '66 '
Q Where did you return to? Up on Grand River.
Q Who took you to Texas? A. Lou Alberty.
Q When did he take you there? A. At the beginning of the war.
Q And you are certain that you came back in '66. ? A. Yes sir.
Q Did you ever apply to be enrolled in 1880? A. Yes sir.
Q Did you draw what is known as the Strip money? A. Yes sir.
Q Have you any one here by whom you can prove that your were here in '66? A. Yes sir.
Q Who? A. Geogge Pettit, Dave Alberty .
Q You dont know any reason why your name is not on the roll of 1880? A No sir, I dont.
Q Did you ever apply to have it put on? A. Yes sir.
Q What is the reason that they never put it on? A. I dontknow why.
Q What made you say at first that your name was Thompson? A. That was my name from my first husband.
Q Is he living now? A. I guess so, we are parted.

DAVE ALBERTY being called and sworn as a witness, testified as follows:

Q What is your name? A. Dave Alberty.
Q How old are you? A. 56.
Q What is your post office address? A. Fort Gibson.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Acknowledged as a Freedman? A. Yes sir.
Q Do you know Polly Boyd here? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q What was her owners name? A. Lou and Nancy Alberty.
Q Where was she during the war between the United States and the Confederacy? A. In Texas.
Q When did they bring her back? A. In 1866.
Q How do you know that? A. Her old master, Alberty, told me he brought her back in '66 with some others.
Q Is he alive now? A. No sir.
By Cherokee Representative W. W. Hastings

Q Do dont know then of your own knowledge when she came? A. No sir

Q How long was it after,that you saw her? A. In December.
Q What year? A. 1866.
Q How do you know it was in 1866? A. Every body said it was.
Q Is she any kin to you?A. Some distant relation.
Q Where was she living then? A. On Pryor Creek with her master.
Q Is it Loum Alberty who married Bushyhead? A. Yes sir.
Q Did he afterwards marry Eliza Alberty? A. Yes sir he married her after the war.
Q What other Cherokees know that she came back in 1866? A.I dont know.

By Cherokee Representative, L. B. Bell:

Q When did you say you came back? A. In December1866
Q When did your old master come back? A. He came back in September or August, I disremember which— he came ahead of us. When I came I went to his place and worked a while.
Q When did you go to his house to work? A. After Christmas, the year of the cholera.
Q That was in 1867 wasn't it? A. Yes sir.

Q Was that the first time that you saw this woman? A. Yes sir.

By W. W. Hastings of Applicant.

Q Who else came when you did? A. George Pettit, Lou Alberty and his family.
Q How long did you live with him after the war? A. Until I was grown.

By L. B. Bell:

Q What was the names of his family? A. Foster Bell, Martin Bell, Cicero Cuningham and Beatrice Alberty, his wife was named Nancy

GEORGE PETTIT, called and s worn as a witness, testified as follows

Q What is your name? A. George Pettit.
Q How old are you? A. 54.
Q What is your post office address? A. Fort Gibson.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Do you know Polly Boyd, used to be Polly Thompson or Polly Alberty? A Yes sir.
Q Where was she during the war between the United States and the Confederacy? A. Rusk County, Texas.
Q Who took her there? A. Lou Alberty.
Q When did she come back here? A. August 1st, 1866, she came in the same crowd that I came with.
Q You say you came with her? A. Yes sir.
Q Is your name on the roll of 1880? A. Yessir
Q And you came with her? A. Yes sir.
Q And have you been living near here ever since? A. I was while she was up on Pryor Creek with Lou Alberty and han after 4 or 5 years she came down here to Fort Gibson and then went to Muskogee.

By L. B. Bell:

Q Did she come back with Lou Alberty_ ? A. Yes sir.
Q Are there any Cherokees now living who came with that crowd? A. There was some that came with us but they quit us at the Point; there was Dave Thompson, son in law of Milly Rider. I dont know where he went after he quit us.

By the Commission:

The Kerns-Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page, 132, No. 3278, Polly Thompson, Illinois district.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation both ~~have~~ examined and he name of applicant is not identified on either of them.

By W W. Hastings, of Applicant-

Q Do you know Dolly Thompson? A. No sir
Q Did you have a girl named Mary? A. No sir.
Q Girl named Lily? A. No sir.
Q Did you have one named Lilly? A. No sir.
Q Did you apply to the Kerns-Clifton Commission in 1896? A. Yes sir.
Q Where? A. Here.
Q Where have you been living for the past twenty years? A. Here at Fort Gibson, and at Muskogee a while.
Q Have you ever been outside of the Territory since 1866? A. No sir
Q Is Fort Gibson your post office now? A. No sir, I am living at Vinita now, have been there for a year, before that I had my post office at Muskogee.
Q Did you ever live in Kansas? A. No sir never lived there, I staid there a while.
Q Where did you stay in Kansas? A. In Parsons.
Q How long? A. A year or six months.
Q Where did you marry Boyd? A. In Muskogee.
Q When ? A. About a year ago.
Q Did you go to Kansas with a man named Joe Thornton? A. Yes sir.
Q When? A. I dont know when, but I went withhim.
Q Was it 20 years ago? A. No sir indeed it was not 20 years ago.
Q About how long ago was it? A. I dont remember, I know I went here and came back.
Q How long did you stay there? A. About a year '

By Com'r Needles,-

The name of Polly Boyd is not found on the authenticated roll of 1880 nor the census roll of 1896, but her name is found on the Kerns-Clifton pay roll as Polly Thompson, that having been her name before she ,arried Boyd. The testimony develops the fact that she is entitled to be enrolled as a Cherokee Freedman, but now comes the Cherokee Nation and protests the enrollment of the said Polly Boyd and asks for time to investigate the matter more fully, consequently she will be listed on a doubtful card as a Cherokee Freedman.

= = = = = = = = = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes ~~and~~ he reported in full all the proceedings in the above cause and that the foregoing is a full, t true and correct transcript of his stenographic notes herein.

Subscribed and sworn to before me this the 17th of April, 1901, at Fort Gibson, I. T.

Commissioner.

FILED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

APR 19 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901

Post Office ~~Muscogee~~ Vinita

District ~~Illinois~~ I T

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Polly ~~Thompson~~ Boyd Age 46

Owners name Blue [redacted] Alberty Citizenship Cherokee

Year K C Page 132 No. 3278 District 111

Parents:

Father Jake Morgan Citizenship Col

Mother Peggie Alberty Citizenship Col.

(2) Names of Children:

		Year	Page	No.	Dist.
3.	.....	Year	Page	No.	Dist.
4.	.....	Year	Page	No.	Dist.
5.	.....	Year	Page	No.	Dist.
6.	.....	Year	Page	No.	Dist.
7.	.....	Year	Page	No.	Dist.
8.	.....	Year	Page	No.	Dist.
9.	.....	Year	Page	No.	Dist.
10.	.....	Year	Page	No.	Dist.
11.	.....	Year	Page	No.	Dist.
12.	.....	Year	Page	No.	Dist.

Application made by No (1) Stenographer Dana Weise Chas.

(1) in K C Roll as "Polly Thompson"

FILED
APR 15 1901

CHAIRMAN.

SUPPLEMENTAL: D 83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft Gibson I.T., April 16, 1901.

In the matter of the application of Polly Boyd for the enrollment of herself as Cherokee Freedman; being sworn and examined by Commissioner Needles she testified as follows:

Q You are the applicant? A Yes sir.

Examined by Cherokee Representative, W. .Hastings:

Q Polly where did you marry your first husband who was named Thornton? A Here at Ft. Gibson.
Q About what was that? A I don't remember just when it was.
Q Well about when was it, about how many years ago? A Well I guess about between 26 and 27 years ago
Q Where did you go after you married him? A Went to Kansas.
Q How long did you stay here with him after you married him before going to Kansas? A I don't remember.
Q About how long? A I can't tell you; that has been so long I can't remember.
Q We want your best judgment of how long you stay here? A I am going to give you my best judgment too.
Q Did you stay here a short time with him? A I staid a long time, I don't remember how long.
Q Did you stay more than a year? A Oh yes.
Q And how many years now? A I don't know. I can't say, because I don't remember.
Q About how many years did you stay with him? A I don't know; nine or ten I guess.
Q Where was your first child born, by Thornton? A Born in the Cherokee Nation.
Q Where was your second child born? A In the Cherokee Nation.
Q Was any of your children born in Kansas? A No sir, not a one.
Q How long did you return from Kansas to the Cherokee Nation? A I don't know just how long it has been.
Q About how long? A Well, I don't know; I can't remember them things.
Q Have you been back three years? A Of course I have.
Q Have you been back four years? A Well, I guess I have.
Q Well, now, do you think you have been back five years? A I don't know just how long I have been back.
Q Now, under oath, what is your best judgment as to the time you have been back here? A I don't know.
Q Well, the Commission would like to know; you are here to testify? A Well I don't know; I don't remember them things.
Q Well but that aint very long ago? A I don't know just how long it has been.
Q Well you may not know exactly the day, but your best judgment as to xxx how long you have been back there? A About twenty years I guess.
Q You have been back from there twenty? A Yes sir.
Q Now where have you been living that twenty years? A I have been living here at Gibson.
Q Did you come from Kansas first to Gibson? A Yes sir, been living here at Ft. Gibson.
Q That was after you returned from Kansas? A Yes sir.
Q How long did you live here at Ft. Gibson? A Lived here until I went to Muskogee.
Q You went from here to Muskogee, where you are now living? A Yes sir.
Q How long have you been living at Muskogee? A About a year or two.
Q Then with the exception of that you lived at Ft. Gibson?

Polly Bond--Sup--2

Q Lived at Mt. Gibson.
Q You come from Kansas back to Mt. Gibson with your children? A Yes sir.
Q And your best judgment, you have been back here twenty years? A Yes sir.
Q You know you have been back here more than fifteen? A Yes I know I have.
Q Where did you live here in Mt. Gibson, with your husband?
A Lived with my mother-in-law, Nancy Thornton.

--------••••••••--------

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this April 17, 1901.

Commissioner.

D. 1083.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Gibson Sept 27/01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Polly Boyd for enrollment as Freedmen of the Cherokee Nation.

D. P. Bledsoe
Agt. for Applt

No. F.D. 83

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

---o---

In the matter of the application for enrollment as a Cherokee Freedman by
Polly Thompson.

Polly Thompson, being duly sworn, deposed as follows:

Mr. Bixby; What is your name. A - Polly Thompson.

Q - What name did you have in 1880? A - Polly Thompson.

Q - Are you sure your name was Thompson in 1880? A - Yes, sir.

Q - Did you ever have any other name than Polly?

A - No, sir.

Q - How old are you?

A - I guess I am about 47.

Q - In which district do you reside? A - Illinois.

Q - How long have you been living in the Cherokee Nation?

A - Lived there all my life.

Q - Not been outside for the last two or three years?

A - No, sir.

Q - What is your post office? A - Muscogee.

Q - Do you think your name is on the Roll of 1880?

A - I don't know whether it is or not.

Q - Who was your owner ? A - Blue Alburty.

Q - Who was your father's owner? A - Jake Martin.

Q - Is he living or dead? A - Dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - What district did he belong to?

A - I don't know, sir.

Q - Who was your father's owner? A - Lucy Martin.

Q - What was your mother's name?

A - Peggy Alburty.

Q - Is she living or dead? A - Dead.

Q - Was she a Cherokee Freedman?

A - Yes, sir, she was a Cherokee Freedman. Yes, sir, she be-

longed to Blue Alburty.

Q - Are you married? A - Yes, sir.

Q - Is your husband a Cherokee?

A - No, sir, a United States citizen.

Q - Have you any children? A - Yes, sir.

Q - Are they under age?

A - No, sir, all of age.

Q - How old are they?

A - The oldest is 25.

Q - The youngest is how old? A - 25.

-----o-----

We must refuse your enrollment for the reason that your name is not found on the authenticated roll of 1880.

-----o-----

RECEIVED
MAY 1 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

.....

FILED
MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEE FREEDMEN.

Date 9/11 1900.

Name Polly Thompson age 47

District Illinois. Muskogee P.O. Year Page No.

Mother's citizenship Cherokee freedmen Peggy Ward

Married? yes. to Jeff Ridge

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Ind. Ter. May 11th. 1

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Polly Thompson for the enrollment as Cherokee Freedmen of the Cherokee Nation.

Enc, R. 10.

Mellette & Leech
for Polly Thompson

Supl.-C.F.D.#83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of POLLIE BOYD as a Cherokee freedman, introduced on part of Applicant:

Appearances:
I. P. Bledsoe, Chouteau, I.T., Agent for applicant;
Mr. W. W. Hastings, Cherokee representative.

TOM RIDER, being duly sworn, testified as follows on part of applicant:

MR. BLEDSOE:

Q What is your name? A Tom Rider.
Q How old are you? A 57.
Q Where do you live? A I live about three miles southeast of Chouteau.
Q Are you a Cherokee freedman? A Yes, sir.
Q Upon the roll of 1880? A Yes, sir.
Q Did you know one Jake Martin? A Yes, sir, I know Jake Martin.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Lucy Martin.
Q Was she a Cherokee citizen? A Yes, sir.
Q Did you know one Peggie Alberty? A Yes, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Blue Alberty.
Q Where did they live? A At the time I knew them they lived up here on the Grand river, about 12 or 14 miles above Chouteau in what we call the Bryant settlement.
Q Did these parties Jake Martin and Peg Alberty have any children?
A Had two children.
Q What were their names? A Boy by the name of Guesso and child, girl by the name of Pollie.
Q Do you know where these people went taken during the war?
A Yes, sir; they was taken several years before the war to Russ County, Texas.
Q They were still the property of this man Alberty, Blue Alberty?
A Yes, sir.
Q About what time were they brought back here to the Cherokee Nation? A They was brought back here in '66, along in the summer of '66.
Q Whereabouts were they brought to? A They come in upon on P Pryor Creek where Mrs. Archey lives.
Q Have you seen this child Pollie since she come back?
A Yes, sir; she lived on Pryor Creek, I live there two or three years and she disappeared from there and I don't know what become of her.

MR. HASTINGS:

Q How long before the war was her parent's taken to Texas? A Before the war.
Q Where was Polly born, was she born in Texas? A No, she was not born in Texas.
Q How long before the war were they taken to Texas? A It must have been eight years; that is as well as I can guess at it; it has been 40 years ago since they taken them to Texas.
Q And that was eight years before the war? A Yes, sir.
Q What is your age now? A 57 years old .
Q And this was eight or nine years before that?
A Yes, I guess, I would not confine myself to fact.

Q How do you know that they were taken there to Texas before the war? A Simply because I seen them.
Q Do you know who took them? A Yes, sir.
Q Who? A Blue Alberty and his wife took them.
Q Did they move at that time? A Yes, sir.
Q And didn't come back until after the war? A No, sir; not to make it their home.
Q They moved and took their slaves and evertyhing to Texas eight or nine years abefore the war? A Yes, sir; as far as I know about it.

Commission: This testimony will be filed and made part of the record in the following freedmen cases: D.310 and D.312.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

COMMISSION TO THE [illegible]

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Polly Thompson, R 10;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

FILED
JUL 23 1904
COMMISSION TO FIVE TRIBES.

Respectfully,

Acting Secretary.

Approved and order to receive and file the oath of Mr. Hall, July 23, 1904.

Respectfully submitted to the Dawes Commission for the information desired in the above and foregoing letter.

Very respectfully,

Chairman.

Cherokee FreedmenD83,
D310 & D312.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications of POLLIE BOYD, WILLIAM THOMPSON and STELLA THOMPSON for enrollment as Cherokee freedmen.

It appears that on June 3, 1904, the applicants and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants appear in person.
Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

JAMES M. KEYS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James M. Keys.
Q How old are you? A 61 years.
Q What is your postoffice address? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q You are a marshall for the Cherokee attorneys in this enrollment?
A Yes, sir.
Q Do you know Pollie Boyd, the applicant in this case? A Yes, sir.
Q Do you know her children, William Thompson and Stella Thompson?
A Yes, sir.
Q Do you know whether or not Pollie Boyd was the slave of a Cherokee citizen before the war? A No, sir.
Q You don't know who she belonged to? A No, sir, I know who she said she belonged to.
Q I believe she claims that she belonged to one Blue Alberty, do you know him? A Yes, sir.
Q Was his name Blue or Lou? A Bluford.
Q Where did he live before the war? A He lived in Cooweescoowee district and then moved to Tahlequah, where he died.
Q When did he die? A I don't remember the year.
Q Before the war? A No, sir, since the war.
Q Was he a recognized citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know whether or not he owned any slaves before the war?
A Yes, sir, but I don't know any of them.
Q Did Blue Alberty die before the year 1880? A He died afterwards.
Q Where was he living when the 1880 roll was made? A Cooweescoowee.
Q Did he have a wife and family? A He had a wife.
Q What was her name? A Eliza Alberty.
Q Did he have any children? A He had onechild, Beatrice Markham; she is dead.

(No cross examination).

oo-o-o-o-o-o-o-o-o-oo

H. M. Vance, being first duly sworn, states that as stenographer

to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W. M. Vance

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles S. Sawyer

Notary Public.

B. F. B.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Polly Boyd, et al., as Cherokee Freedmen, consolidating the applications of --

Polly Boyd	Cherokee Freedmen D-83,
William Thompson	Cherokee Freedmen D-310,
Stella Thompson	Cherokee Freedmen D-312.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself. Further proceedings in the matter of the application of Polly Boyd were had at Muskogee, Indian Territory, March 4, 1902, and June 18, 1904.

The evidence in this case shows that the said Polly Boyd was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken by her master, out of the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, William Thompson and Stella Thompson, are the children of the said Polly Boyd, born in the Cherokee nation since 1866, and have continuously resided therein since birth.

The evidence further shows that Polly Boyd has resided in the Indian territory continuously since 1866, with the exception of a few years during which time she lived in Kansas, but it does not appear that her residence in Kansas forfeited her right to citizenship in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Polly Boyd, William Thompson and Stella Thompson, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898. (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 23 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Pollie Boyd,
Vinita, I.T.
Cherokee F -D-83
Register.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 13 1900

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.
ALLISON L. AYLESWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., June 4, 1900.

Polly Thompson,

Muskogee, Indian Territory.

Dear Madam:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chero. L.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.R.-10.

Vinita, Indian Territory, January 9, 1903.

Mrs. Tobe Looney,
Coffeyville, Kansas.

Dear Madam:

The Commission is in receipt of your letter of January 5, relative to your right to select as an allotment in the Cherokee Nation, a place owned by your husband, now deceased, at the time of his death.

In reply you are advised that the Commission cannot attempt to determine the right of any person to select as an allotment, any land in the Cherokee Nation, until an application has been made for the selection of the particular land in dispute.

In this connection you are further advised that the Commission has not yet rendered a final decision as to your right to enrollment as a Cherokee Freedman by intermarriage.

Respectfully,

Acting Chairman.

HP

Cherokee Freedmen
D-85.

Muskogee, Indian Territory, September 12, 1903.

I. P. Bledsoe,

Agent for Pollie Boyd,

Chouteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Pollie Boyd as a Cherokee Freedman, you are hereby advised that further testimony is required tending to show that Blue Alberty, owner of applicant's mother, was a Cherokeecitizen at the commencement of the War of the Rebellion.

You are further advised that the Commission will be at Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

M 29

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-83.

Muskogee, Indian Territory, September 12, 1903.

Pollie Boyd,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required tending to show that Blue Alberty, your mother's owner, was a Cherokee citizen at the commencement of the war of the rebellion.

You are further advised that the Commission will be at Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-83,D-310,D-312.

Muskogee, Indian Territory, June 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Pollie Ward, William and Stella Thompson as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that Lou Alberty, former owner of said Pollie Ward, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee Freedmen
D-83.

Muskogee, Indian Territory, June 3, 1904.

Pollie Ward,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further evidence be introduced tending to show that Lou Alberty, your former owner, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Tahlequah, Indian Territory, January 31, 1906.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is returned herewith the record with prepared decision in the matter of the application for enrollment as Cherokee freedmen, of Polly Boyd et al., Cherokee F. D-83 et al.

I have not signed this decision which holds that the applicants should be enrolled as Cherokee freedmen. Neither Polly, nor her father or mother, nor any of her children appear on either the 1880 authenticated roll or the 1896 census roll. She herself was refused enrollment in 1880. Her testimony is very contradictory and evidently wholly unreliable and it is substantially without support.

I think the applicants in this case should be denied enrollment and accordingly return the record for further consideration if deemed advisable by the other Commissioners, otherwise I vote in the negative upon this application. In the latter event I ask that the Cherokee Attorneys be duly notified, and that the case be referred to the Department for review and final determination.

Respectfully,

(Signed) C. R. Breckinridge
Commissioner in Charge
Cherokee Land Office.

MMJ

Enc. J-5

COPY.

Cherokee Freedmen

D-83.

Muskogee, Indian Territory, March 23, 1905.

Polly Boyd,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for your enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your former agent, I. P. Bledsoe, Chotaw, Indian Territory, a copy of the record of proceedings.

The decision, together with your copy of proceedings and in this case, will shortly have been transmitted to the Secretary of the Interior for his approval or disapproval. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. C-56.
Register.

COPY.

Cherokee Freedmen

D-83 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 8-59.

COPY.

Cherokee Freedmen
D-83 et al.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, including the Commission's decision dated March 23, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-60.

Through the

Commissioner of Indian Affairs.

(Copy)L

Refer in reply to the following:

Land.
22977-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself.

March 23, 1905, the Commission decided favorably to all the applicants.

The record shows that Polly Boyd was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation but returned thereto on or before February 11, 1867, and established her residence therein.

The record further shows that the other applicants are the children of Polly Boyd born in the Cherokee Nation since 1866 and have continuously resided therein since birth. The record further shows that Polly Boyd has resided continuously in the Indian Territory since 1866, with the exception of a few years in Kansas.

In view of the record the approval of the Commission's

decisionfavorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W. M. W.

W.

(Copy).

Y. P.

FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 3614-1905.

L. R. S.

August 5, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedman, including its decision of the same date, granting said application.

Reporting April 7, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and the Commission's decision favorable to the applicants is hereby affirmed.

Respectfully,

(Signed): Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-83, et al.

COPY.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised, that the decision of the Commission to the Five Civilized Tribes, dated March 25, 1905, granting the applications for the enrollment of Bell, Boyd, William and Stella Thompson as Cherokee freedmen, was affirmed by the Department on August 5, 1905.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

SIGNED: Wm O Beall

Acting Commissioner.

Lc

Incl. S-31

Cherokee Freedmen

D-83.

COPY.

Muskogee, Indian Territory, August 17, 1905.

Polly Boyd,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED). W. O. Beall

Acting Commissioner.

LS



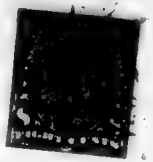
Department of the Interio
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mrs. Pollie Boyd,

~~Vinita~~ Indian Territory.



Department of the Interi
Commission to the Five C[illegible]ed Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Mrs. Pollie Boyd,

~~Vinita~~, Indian Territory.

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1903

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS
Penalty for private use, $300.

Mrs. Tobe Locney,

Coffeyville, Kansas.



Department of the Interior.
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Pollie Boyd,

Vinita, Indian Territory.

General Office. Cherokee Div.

Advised that further testimony, to show mother's ownership commencement of the war of the Rebellion, is required.

Department of the Interior.
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Pollie Boyd,
Vinita, Indian Territory.

Cher Fr 1474

Cher Fr 1474

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 16th 1901.

In the matter of the application of William Thompson for enrollment as a Cherokee Freedman; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. William Thompson.
Q Who do you want to have enrolled, just yourself? A. Yes sir.
Q How old are you? A. I am 28.
Q What is your post office address? A. Vinita.
Q In what district do you live? A. Delaware.
Q How long have you lived in the Cherokee Nation? A. Born and raised here.
Q Lived here all your life? A. Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A. Yes sir.
Q What is your father's name? A. Joe.
Q Is he living? A. Think he is.
Q Give me the name of your mother now. A. Polly Boyd.
Q Is she living? A. Yes sir.
Q How long has your mother been named Boyd? A. A year or so.
Q Who were you with in 1880? A. With my mother.
Q Have you any brothers ? A. No sir.
Q Have you a sister? A. Yes sir, one living and one dead.
Q What are the names of your two sisters? A. Stella and Maud.
Q Are they both names Thompson? A. Yes sir.
Q Which one is living? A. Stella.
Q How old is she? A. About 25.
Q How long has your sister Maud been dead? A About 5 years
Q How old was she when she died? A. A grown woman.
Q Was she as old as you? A. No sir younger.
Q Where is your mother now? A. In Vinita.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation examined and the name of the applicant ~~identified~~ not identified thereon.

The Kerns Cliften rol. of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 133, No 3381, William Thompson, Illinois distri t.

The Wallace roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 143, No. 2995, Willie Thompson, (Residence, Muskogee, Creek Nation)

Q Where is your mother living now? A. In Vinita; In Delaware district
Q Is it not in Illinois district? A. No si .
Q What is her husband's name? A. Frank Boyd.
Q When did you ~~xxxx~~ live in Muskogee? A I cant remember, I remember living in Fort Gibson.
Q Have you ever lived outside of the Cherokee Nation as far as you can remember? A. I have been out to school, that is all.
Q Where did you go to school? A. At Parsons.
Q How long did you go to school at Parsons? A. I went there five or six terms—went to school in the winter and come home in the summer.
Q When did you leave Parsons the last time? A. When I quit school.
Q How long ago was that? A. Some time ago.
Q Have you been living in the Cherokee Nation ever since you quit going to school at Parsons? A. Yes sir except that I went up there a years ago to learn the barber trade.
Q How long did you stay there then? A. Three months.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Does your mother claim to be a Cherokee Freedman? A. Yes sir.
Q Was your father a Cherokee Freedman? A. Yes sir I think so.
Q You say you dont know whether he is alive or dead? A. No sir.
Q Cant you give me any information about it? A. I haven't seen him in years .
Q How many years since you saw your father? A. It might be— I dont

have any idea just exactly,——I wouldn't like to say.
Q Was he a slave in the Cherokee Nation at the time the war broke out? A. I dont know, I think so.
Q You say your mother's name may be on the roll of 1880 as Thornton?
A I dont know, my grandmother was on as Thornton.
Q What was her first name? A. Nancy.
Q Is she dead? A. Yes sir.

By Com'r Breckinridge of the Roll Clerk: " Who is with thatfamily"?
Roll Clerk's answer:, Sylvia, 21 years of age; John, 6 years of age, Henrietta, 5 years of age; & Sama, 2 years of age; Eunice, one month old.

By the Com'r of applicant:

Q You have heard those names, who are those people? A. I can recollect their names but I cant recollect their ages.
Q Who is Sylvia? A. I don'tknow.
Q Who is John? A. If he is a grand son, he is a cousin of mine.
QHow old is he? A. I dont know'
Q Is he a grown man of 40 or 50? A. I dont know.
Q Is he living now? A. I think he is,I dont know.
Q Who is Henrietta? A. A cousin of mine.
Q How old is she? A. 21.
Q Who is Saymore ? A A cousin of mine.
Q How old is he? A. I think he must be about 20 maybe.
Q Who is Eunice? A. She must have been a little kid I dont know nothing of her; I might have known her by a nick name.
Q Was Nancy Thornton your mother's mother? A. I dont know , I am not sure, I think it is my fathers mother.

By Com'r Breckinridge:

The applicant is identified on the Wallace and Kerns-Clifton roll as a Cherokee Freedman. He is not identified on the roll of 1880 or upon the census roll of 1896, nor are his father or mother identified on the roll of 1880; his mother however, is now living and reference is made to her case, that of Polly Boyd, Cherokee Freedman Doubtful Card #85 for further evidence in this case, and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decission of the Commission will be made known to him at his post office address.

* * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Chas. von Weise.

Subscribed and sworn to before me this the 20th. of May, 1901 at Vinita, I. T.

Commissioner.

D 7316

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16-1901

Post Office Vinita I.T.

District

1. Name William Thompson. Age 28.

Owner's name Citizenship

Year R.B. Page 132 No. 8281 District 622

Parents:

Father J.T. Thompson. Citizenship Ch. C.

Mother Polly Boyd. Citizenship "

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by No.1-William Thompson Stenographer [illegible]

No.1 on Wallace Roll. Page 143 No. 2993 Helen Thompson Residence Muskogee. Creek Nat. [illegible]

COMMISSION TO [illegible]

[illegible]

[illegible]

[

To be filed with the application of William Thompson, C.F.D. #510.

* * * \

Q Is he alive now? A. No sir.

By Cherokee representative, W. W. Hastings:

Q You dont know then of your own knowledge when she came? A No sir.
Q How long was it after, that you saw her? A In December.
Q Hat year? A 1866.
Q How do you know it was 1866? A Everybody said it was.
Q Is she any kin to you? A Some distant relation.
Q Where was she living then? A. On Pryor creek with her master.
Q Is it Lou Alberty who married Bushyhead? A. Yes sir.
Q Did he afterwards marry Eliza Alberty? A. Yes sir he married her after the war.
Q What other Cherokees know that she came back in 1866? A I dont know

By Cherokee representative, L. B. Bell:

Q When did you say you came back? A. In December, 1866.
Q When did your old master come back? A. He came back in September or August, I disremember which-- he came ahead of us. When I came I went to his place and worked awhile.
Q When did you go to his house to work? A. After Christmas, the year of the cholera.
Q That was in 1867 wasn't it? A. Yes sir.
Q Was that the first time that you saw this woman? A.Yes sir.

By W. W.Hastings, of applicant-

Q Who else came when you did? A. George Pettit, Lou Alberty and his family.
Q How long did you live with him after the war? A. Until I was grown

By L. B. Bell:

Q What was the names of his family? A. Foster Bell, Martin Bell, Cicero Cunningham and Beatrice Alberty, his wife was named Nancy.

GEORGE PETTIT, called and sworn as a witness testified as follows:

Q What is your name? A. George Pettit.
Q Howold are you? . 54.
Q What is your post office address? A. Fort Gibson.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Do you know Polly Boyd, used to be Polly Thompson or Polly Alberty? A Yes sir.
Q Where was she during the war between the United States and the Confederacy? A Rusk County, Texas.
Q Who took her there? A. Lou Alberty.
Q When did she come back here? A. August 1st 1866, she camein the same crowd that I came with.
Q You say you came with her? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q And you came with her? A. Yes sir.
Q And have you been living near here ever since? A. I was while she was up on Pryor Creek with Lou Alberty and then after 4 or 5 years she came down here to Fort Gibson and then went to Muskogee,

By L. B. Bell-

Q Did she come back with Lou Alberty? A. Yes sir.
Q Are there any Cherokees now living who came with that crowd? A There was some that came with us but they quit us at the Point; there was Dave Thompson, son in alw of Milly Rider. I dont know where he went after he quit us.

By the Commission:

The Kern-Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page,132, No.3278, Polly Thompson,Illinois district.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation both examined and the name of the applicant is not identified on either of them

By W. W. Hastings,of Applicant-

Q Do you know Dolly Thompson? A No sir.
Q Did you have a girl name Mary? A. No sir.
Q Girl named Lilly? A. No sir.
Q Did you apply to the Kern Clifton Commission in 1896? A Yes sir.
Q Where? A Here.
Q Where have you been living for the past twenty years? A. Here at Fort Gibson and at Muskogee a while.
Q Have you ever been outside of the Territory since 1866? A Nosir
Q Is Fort Gibson your post office now? A. No sir, I am living at Vinita now, have been there for a year, before that I had my postoffice at Muskogee.
Q Did you ever live in Kansas? A. No sir never lived there, I staid there a while.
Q Where did you stay in Kansas? A. In Parsons.
Q How long? A. A year or six months.
Q Where did you marry? A. In Muskogee.
Q Whn? A About a year ago.
Q Did you go to Kansas with a man named Joe Thornton? A. Yes sir.
Q When? A. I dont know when, but I went with him.
Q Was it 20 years ago? A. No sir indeed it was not 20 years ago.
Q How long ago was it ? A I dont remember, I know I went there and came back.
Q How long did you stay there about a year.

By Com'r Needles,-

The name of Polly Boyd is not found on the authenticated roll of 1880 nor the census roll of 1896, but her name is found on the Kern Clifton roll as Polly Thompson, that having been her name before she married Boyd. The testimony develops the fact that she is entitled to be enrolled as a Cherokee freedman, but now comes the Cherokee Nation and protests the enrollment of the said Polly Boyd and asks for time to investigate the matter more fully, consequently she will be listed on a doubtful card as a Cherokee freedman.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

Commisioner.

appearing and asking to be heard.

Mr. [illegible]

* *

Commissioner [illegible]

(signed) C. H. Meserve.

(seal)

Attest: Wm. H. Green
Secretary.

* *

I, Wm. H. Green, Secretary of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct copy of the order of the Commission to the Five Civilized Tribes in the case and cause therein styled, Ida Willis, Petitioner, vs. Mary Ann Willis, Respondent, No. 1310, as the same appears of record in my office.

Witness my official signature and the seal of the Commission to the Five Civilized Tribes, this 5th day of July, 1901.

Wm. H. Green
Secretary.

(seal)

COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 5 1901

1310

Ida Willis
vs.
Mary Ann Willis

Order

Filed July 5, 1901.

To be filed in the application of William Thompson C. F. D. 310.

SUPPLEMENTAL: D 83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson I.T., April, 16, 1901.

In the matter of the application of Polly Boyd for the enrollment of herself as a Cherokee freedman; being sworn and examined by Commissioner Needles, testified as follows:

Q You are the applicant? A. Yes sir.

Examined by Cherokee representative, W. W. Hastings:

Q Polly, where did you marry your first husband who was named Thornton?
A Here at Ft. Gibson.
Q About when was that? A. I dont remember just when it was.
Q Well about when was it, about how many years ago? A. Well I guess about between 26 and 27 years ago.
Q Where did you go after you married him? A Went to Kansas.
Q How long did you stay there with him after you married him before going to Kansas? A. I dont remember.
Q About how long? A. I cant tell you; that has been so long I can't remember.
Q We want your best judgment of how long you staid there? A I am going to give you my best judgment too.
Q Did you stay here a short time with him? A. I staid a long time, I dont remember how long.
Q Did you stay more than a year? A. Oh yes.
Q About how many years now? A. I dont know. I cant say, because I dont remember
Q About how many years did you stay with him? A I dont know, nine or ten I guess.
Q Where was your first child born, by Thornton? A. Born in the Cherokee Nation.
Q Where was your second child born? A. In the Cherokee Nation.
Q Was any of your children born in Kansas? A No sir not a one.
Q When did you return from Kansas to the Cherokee Nation? A. I dont know just how long it has been.
Q About how long? A. Well, Imdont know; I cant remember them things
Q Have you been back three years? A Of course I have.
Q Have you been back four years? A. Well, I guess I have.
Q Well, now, do you think you have been back five years? A I dont know just how long I have been back.
Q Now, under oath, what is your best judgment as to the time you have been back here? A. I dont know.
Q Well, the Commission would like to know; you are here to testify?
A Well I dont know; I dont remember them things.
Q Well but that aint very long ago? A. I dont know just how long it has been.
Q Well you may now know exactly the day, but your best judgment as to the how long you have been back there? A About twenty years I guess.
Q You have been back from there twenty years? A. Yes sir.
Q Now where have you been living that twenty years? A. I have been living here at Ft. Gibson.
Q That was after you returned from Kansas? A. Yes sir.
Q How long did you live here at Ft. Gibson? A. Lived here until I went to Muskogee.
Q You went from here to Muskogee, where you are now living? A. Yes sir
Q How long have you been living in Muskogee? A About a year or two.
Q With the exception of that you lived at Ft. Gibson?
A Lived at Ft. Gibson.
Q You came from Kansas back to Ft. Gibson when you came? A. Yes sir.
Q And your best judgment, you have been back there twenty years? A. Yes sir.

Yes sir.
Q You know you have been back here more than fifteen years? A Yes sir I know I have.
Q Where did you live here at Ft. Gibson, with your husband? A. Lived with my mother in law, Nancy Thornton.

* * * * * * *

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green

Subscribed and sworn to before me this April 17, 1901.

(signed) C. R. Breckinridge.
Commissioner.

* * * * * * * * * * * *

I, Chas. von Weise, upon my oath state that as stenographer to the Commission to the Five Civilized Tribes ~~he~~ as I made the above and that the same is a true and complete copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

Commissioner.

File with C. F. D. #310.

Supl.-C.F.D.#83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the mattero f the enrollment of POLLIE BOYD as a Cherokee freedman, introduced on part of applicant:

Appearances:
I. P. Bledsoe, Chouteau,I.T., Agent for applicant;
Mr. W. W. Hastings, Cherokee Representative.

TOM RIDER, being duly sworn, testified as follows on part of applicant:

MR. BLEDSOE:

Q What is your name? A Tom Rider.
Q How old are you? A 57.
Q Where do you live? A I live about three miles southeast of Chouteau.
Q Are you a Cherokee freedman? A Yes, sir.
Q Upon the roll of 1880? A Yes, sir.
Q Did you know one Jake Martin? A Yes, sir, I know Jake Martin.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Lucy Martin.
Q Was she a Cherokee citizen? A Yes, sir.
Q Did you know one Peggie Alberty? A Yes, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Blue Alberty.
Q Where did they live? A At the time I knew them they lived up here on the Grand river, about 12 or 14 miles above Couteau in what we call the Bryant settlement.
Q Did these parties, Jake Martin and Peg Alberty have any children?
Q Had two children.
Q What were their names? A Boy by the name of Guesso and child, girl by the name of Pollie.
Q Do you know where these people went, taken during the war?
A Yes, sir; they was taken several years before the war to Russ County, Texas.
Q They were still the property of this man Alberty, Blue Alberty?
A Yes, sir.
Q About what time were they brought back here to the Cherokee Nation? A They was brought back here in '66, along in the summer of '66.
Q Whereabouts were they brought to? A They come in upon on Pryor Creek where Mrs. Archey lives.
Q Have you seen this child Pollie since she come back?
A Yes, sir; she lived on Pryor Creek, I lived there two or three years and she disappeared from there and I don't know what become of her.

MR. HASTINGS:

Q How long before the war was her parents taken to Texas?
A Before the war.
Q Where was Polly born, was she born in Texas? A No, she was not born in Texas.
Q How long before the war were they taken to Texas? A It must have been eight years; that is as well as I can guess at it; it has been 40 years ago since they taken them to texas.
Q And that was eight years before the war? A Yes, sir.
Q What is your age now? A 57 years old.
Q And this was eight or nine years before that?
A Yes, I guess, I could not confine myself to fact.

Q How do you know that they were taken there to Texas before the war? A Simply because I seen them.
Q Do you know who took them? A Yes, sir.
Q Who? A Blye Alberty and his wife took them.
Q Did they move at that time? A Yes, sir.
Q And didn't come back until after the war? A No, sir; not to make it their home.
Q They moved and toom their slaves and everything to Texas eight or nine years before the war? A Yes, sir; as far as I know about it.

Commission: This testimony will be filed and made part of the record in the following freedmen cases: D.31o and D.312.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof. J O Rosson

FILED
JUL 23 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen D83,
D310 & D312.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications of POLLIE BOYD, WILLIAM THOMPSON and STELLA THOMPSON for enrollment as Cherokee freedmen.

It appears that on June 3, 1904, the applicants and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants appear in person.
Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

JAMES M. KEYS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James M. Keys.
Q How old are you? A 61 years.
Q What is your postoffice address? A Pryor creek.
Q What district do you live in? A Coowescoowee.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q You are a marshall for the Cherokee attorneys in this enrollment? A Yes, sir.
Q Do you know Pollie Boyd, the applicant in this case? A Yes, sir.
Q Do you know her children, William Thompson and Stella Thompson? A Yes, sir.
Q Do you know whether or not Pollie Boyd was the slave of a Cherokee citizen before the war? A No, sir.
Q You don't know who she belonged to? A No, sir, I know who she said she belonged to.
Q I believe she claims that she belonged to one Blue Alberty, do you know him? A Yes, sir.
Q Was his name Blue or Lou? A Bluford.
Q Where did he live before the war? A He lived in Coowescoowee district and then moved to Tahlequah, where he died.
Q When did he die? A I don't remember the year.
Q Before the war? A No, sir, since the war.
Q Was he a recognized citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know whether or not he owned any slaves before the war? A Yes, sir, but I don't know any of them.
Q Did Blue Alberty die before the year 1880? A He died afterwards.
Q Where was he living when the 1880 roll was made? A Coowescoowee.
Q Did he have a wife and family? A He had a wife.
Q What was her name? A Eliza Alberty.
Q Did he have any children? A He had one child, Beatrice Markham; she is dead.

(No cross examination).

oo-o-o-o-o-o-o-o-o-o-oo

M. M. Vance, being first duly sworn, states that as stenographer

to the commission to the five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 30th day of July, 1904.

Charles A. Sawyer

Notary Public.

C, T, B,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Polly Boyd, et al., as Cherokee Freedmen, consolidating the applications of --

Polly Boyd	Cherokee Freedmen D-83,
William Thompson	Cherokee Freedmen D-310,
Stella Thompson	Cherokee Freedmen D-312.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself. Further proceedings in the matter of the application of Polly Boyd were had at Muskogee, Indian Territory, March 4, 1902, and June 18, 1904.

The evidence in this case shows that the said Polly Boyd was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken by her master, out of the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, William Thompson and Stella Thompson, are the children of the said Polly Boyd, born in the Cherokee Nation since 1866, and have continuously resided therein since birth.

The evidence further shows that Polly Boyd has resided in the Indian Territory continuously since 1866, with the exception of a few years during which time she lived in Kansas, but it does not appear that her residence in Kansas forfeited her right to citizenship in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Polly Boyd, William Thompson and Stella Thompson, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 3 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Willie Thompson,
Vinita, I. T.
Cherokee T-P-310.
Registor.

Cherokee Freedmen
D-310.

Muskogee, Indian Territory, June 3, 1904.

William Thompson,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending th show that Lou Alberty, former owner of your mother, Pollie Ward, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen
D-83, D-310, D-312.

Muskogee, Indian Territory, June 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Pollie Ward, William and Stella Thompson as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that Lou Alberty, former owner of said Pollie Ward, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-310.

Muskogee, Indian Territory, September 9, 1904.

William Thompson,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of August 25, asking to be advised as to the status of yourself, Pollie Boyd, your mother, and of Estella Thompson your sister.

In reply you are advised that no decision has been prepared in the above cases. As soon as a decision has been rendered you will be furnished with a copy thereof.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Tahlequah, Indian Territory, January 31, 1906.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is returned herewith the record with prepared decision in the matter of the application for enrollment as Cherokee freedmen, of Polly Boyd et al., Cherokee F. D-83 et al.

I have not signed this decision which holds that the applicants should be enrolled as Cherokee freedmen. Neither Polly, nor her father or mother, nor any of her children appear on either the 1880 authenticated roll or the 1896 census roll. She herself was refused enrollment in 1880. Her testimony is very contradictory and evidently wholly unreliable and it is substantially without support.

I think the applicants in this case should be denied enrollment and accordingly return the record for further consideration if deemed advisable by the other Commissioners, otherwise I vote in the negative upon this application. In the latter event I ask that the Cherokee Attorneys be duly notified, and that the case be referred to the Department for review and final determination.

Respectfully,

(Signed) C. R. Breckinridge
Commissioner in Charge
Cherokee Land Office.

MMJ

Enc. J-5

COPY.

Cherokee Freedmen

D-310.

Muskogee, Indian Territory, March 23, 1905.

William Thompson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 23, 1905, granting, among others, your said application, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-58.
Register.

COPY.

Cherokee Freedmen

D-83 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-59.

COPY.

Cherokee Freedmen
D-83 et al.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, including the Commission's decision dated March 23, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-60.

Through the

Commissioner of Indian Affairs.

(Copy).

Y. P.

FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 3614-1905.

L. R. S.

August 5, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, including its decision of the same date, granting said application.

Reporting April 7, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and the Commission's decision favorable to the applicants is hereby affirmed.

Respectfully,

(Signed): Thos. Ryan.

Acting Secretary.

1 inclosure.

(Copy)L

Refer in reply to the following:

Land.
22977-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself.

March 23, 1905, the Commission decided favorably to all the applicants.

The record shows that Polly Boyd was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation but returned thereto on or before February 11, 1867, and established her residence therein.

The record further shows that the other applicants are the children of Polly Boyd born in the Cherokee Nation since 1866 and have continuously resided therein since birth. The record further shows that Polly Boyd has resided continuously in the Indian Territory since 1866, with the exception of a few years in Kansas.

In view of the record the approval of the Commission's

decisionfavorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W. M. M.

W.

Cherokee Freedmen

D-310. COPY.

Muskogee, Indian Territory, August 17, 1905.

William Thompson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

(SIGNED). Wm O. Beall

Acting Commissioner.

LS

Cherokee Freedmen

D-83, et al.

COPY.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Polly Boyd, William and Stella Thompson as Cherokee freedmen, was affirmed by the Department on August 5, 1905.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

SIGNED Wm O Beall

Acting Commissioner.

LS

Incl. S-31





Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

D/C

[illegible]

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

D/C

Cher Fr 1475

Cher Fr 1475

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 16th 1901

In the matter of the application of Stella Thompson for enrollment as a Cherokee Freedman; she being sworn before Commissioner C. R. Breckinridge, testified as follows—

Q What is your name? A. Stella Thompson.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q How old are you? A. 25.
Q What is your post office address? A. Vinita.
Q In what district do you live? A. Delaware.
Q How long have you lived in the Cherokee Nation? A. All my life
Q Give me the name of your father? A. Joe Thompson.
Q Is he living? A. I dont know if he is or not.
Q Give me the name of your mother? A. Polly Boyd.
Q Is she living? A. Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 132 No. 3280, Stella Thompson, Illinois district. Note: Now Thornton.

Q Did you draw your strip money? A. Yes sir.

The Wallace roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 143, No. 3994, Stella Thornton, (Creek Nation).

Q Do you know Stella Thornton? A. Yes sir I is Stella Thornton
Q Is there any other Stella Thornton that you know of? A. No sir.
Q Did they ever call you Thornton? A. Yes sir my grandmother was named that.
Q Have you ever been married? A. Yes sir.
Q Married now? A. No sir.
Q To whom were you married? A. Frank Thompson
Q What was your mothers name before she married Boyd? A. Thompson
Q You were named Thompson when you were a girl and married a man named Thompson? A. Yes sir.
Q Where were you born? A. In the Cherokee Nation.
Q Didnt you live in Kansas a part of the time when you were young? A Xxx xix. Not that I can remember of
Q Is your husband living? A. Xxx I dont know.
Q You and he have parted have you? A. Yes sir.
Q Is he a Cherokee Freedman or a State man? A. State man.
Q Give me his full name? A. Frank Thompson.
Q Do you remember a woman named Nancy Thornton? A. Yes sir.
Q Is she dead? A. Yes sir.
Q Was she your grand mother? A. Yes sir.
Q How long has she been dead? A. 4 or 5 years I guess.
Q Do you remember your father? A. Yes sir.
Q How long since you have seen him? A. I dont know, 4 or 5 years I guess.
Q Where was he living when you last heard from him? A. In Fort Gibson
Q Do you know where he has lived most of his life since you can remember? A. No sir.
Q You dont know anything about his whereabouts? A. No sir.

By Com'r Breckinridge—

The applicant is identified on the Wallace and Kerns Clifton roll as a Cherokee Freedman, but is not on the roll of 1880 or 1896, neither are her father or mother identified on the roll of 1880. The variation in the applicant's name between the Wallace and Kerns Clifton rolls is explained by the note quoted from the Kerns Clifton roll. Reference is made to

Cherokee Freedman Doubtful card No. 83 of Polly Boyd, the mother of the applicant, and it should be noted hat the Nancy Thornton referred to in the testimony, and whose name in ~~xxx~~ on the roll of 1880, along with other members of that family, Sylvia, John etc. , is the mother of the applicant's father, who however, is not found with the family; said Nancy Thornton not being in any way related to the applicant's mother, now Polly Boyd. The applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decission of the Commission wil. be mailed to her at her post office address.

+ + + + + + +

Chas. von Weise, being sworn stats that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 20th of May, 1901 at Vinita, I. T.

Commissioner.

B D312

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 16 1901

ACTING CLERK

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16-1901.

Post Office Vinita I.T.

District Dist.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Stella Thompson Age 23-

Owner's name ..... Citizenship .....

Year R.B.R. Page 132 No. 3280 District Tallequah

Parents:

Father J. E. Thompson Citizenship I.W.

Mother Polly Bryan Citizenship "

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by No. 1. Stella Thompson Stenographer — — Von Wheeler

No. 1 on Tallequah Roll Page 143 - Fr. 2994 - Creek-No.

as Stella Thompson.

FILED

ACTING CHAIRMAN

To be filed in the application of Stella Thompson, C. F. D. 318.

* *

Department of the Interior,
Commission to the Five Civilized Tribes
Fort Gibson, I. T. April, 16th 1901.

In the matter of the application of Polly Boyd for enrollment as a Cherokee Freedman; she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A. Polly Boyd.
Q What is your age? A. 46.
Q What is your post office address? A. Vinita.
Q What district do you live in? A Illinois.
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Have you ever applied for enrollment as a freedman of any other tribe or nation? A. No sir.
Q Haveyou ever been recognized by the Cherokee authorities as a Cherokee freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself.
Q What is your fathers name? A. Jake Morgan.
Q What is your mothers name? A. Peggy Alberty.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. Frank Boyd.
Q You say your name is not on the roll of 1880? A. Yes sir.
Q Why not? A. I dont know.
Q Where were you born? A. Here in the Territory.
Q Were you born a slave? A. Yes sir.
Q What were your owners names? A. Lou Alberty.
Q Where were you during the war between the United States and the Confederacy? A. In Texas.
Q When did you return from Texas? A. In '66.
Q Where did you return to? A. Up on Grand river.
Q Who took you to Texas? A. Lou Alberty.
Q When did he take you there? A. At the beginning of the war.
Q And you are certain that you came back in '66? A Yes sir.
Q Did you ever apply to be enrolled in 1880? A. Yes sir.
Q Did you draw what is known as Strip money? A. Yes sir.
Q Have you any one here by whom you can prove that you were here in '66? A Yes sir.
Q Who? A. George Pettit, Dave Alberty.
Q You dont know any reason why your name is not on the roll of 1880? NO sir, I dont.
Q Did you ever apply to have it put on? A. Yes sir.
Q What is the reason that they never put you on? A. I dont know why
Q What made you say at first that your name was Thompson? A That was my name from my first husband.
Q Is he alive now? A. I guess so, we were parted.

DAVE ALBERTY, being called and sworn as a witness, testified as follows:

Q What is your name? A. Dave Alberty.
Q How old are you? A 56.
Q What is your post office address? A. Fort Gibson
Q Are you a Cherokee freedman? A. Yes sir.
Q Acknowledged as a freedman? A. Yes sir.
Q Do you know Polly Boyd here? A.Yes sir.
Q Was she a slave? A. Yes sir
Q What was her owners name? A Lou and Nancy Alberty.
Q Where was she during the war between the United States and theConfederacy? A In Texas.
Q When did they bring her back? A. In 1866.

Q How do you know that? A. Her old master, Alberty, told me he brought her back in '66 with some others.
Q Is he alive now? A. No sir.

By Cherokee representative, W. W. Hastings-

Q You dont know then of your own knowledge when she came? A. No sir
Q How long was it after that you saw her? A. In December,
Q What year? A 1866.
Q How dod you know it was in 1866? A. Everybody said it was.
Q Is she any kin to you? A. Some distant relation.
Q Where was she livig then? A. On Pryor creek with her master.
Q Is it Lou Alberty who married Bushyhead? A Yes sir.
Q Did he afterwards marry Eliza Alberty? A. Yes sir he married her after he war.
Q What other Cherokees know that she came back in 1866? A I dont know

By Cherokee representative L. B. Bell:

Q When did you say you came back? A In December,1866.
Q When did your old master come back? A. He came back in September or August,I disremember which--he came ahead of us.When I came I went to his place and worked a while.
Q When did you go to his house to work? A After Christmas,the year of the cholera.
Q That was in 1867 wasn;t it? A. Yes sir.
Q Was that the first time that you saw this woman? A.Yes sir.

By W. W. Hastings, of applicant

Q Who else came when you did? A George Pettit,Lou Alberty,and his family.
Q How long did you live with him after the war? A Until I was grown

By L. Bl Bell.

Q What was the names of his family? A Foster Bell,Martin Bell, Cicero Cunningham and Beatrice Alberty,his wife was named Nancy.

GEORGE PETTIT,called and sworn as a witness,testified as follows:

Q What is your name? A. George Pettit.
Q How old are you? A 54.
Q What is your post office address? A. Fort Gibson.
Q Are you a Cherokee freedman? A. Yes sir.
Q Do you know Polly Boyd? Used to be Polly Thompson or Polly Alberty? A Yes sir.
Q Where was she during the war between the United States and the Confederacy? A Rusk County, Texas.
Q Who took her there? A. Lou Alberty.
Q When did she come back here? A August 1st, 1866, she came in the same crowd that I came with.
Q You say you came with her? A Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q And you came with her? A Yes sir.
Q And have you been living near here ever since? A. I was while she was up on Pryor creek with Lou Alberty and then after 4 or 5 years she came down here to Fort Gibson and then went to Muskogee.

By L. B. Bell-

Q Did she come back with Lou Alberty? A. Yes sir.
Q Are there any Cherokees now living who came with that crowd? A There was some that came with us but they quit us at the Point; there was Dave Thompson, son in law of Milly Rider. I dont know where he went after he quit us.

By the Commission The Kern Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows: Page 132, No. 3278, Polly Thompson, Illinois district.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation both examined and the name of applicant is not identified on either of them.

By W. W. Hastings, of applicant-

Q Do you know Dolly Thompson? A. Nosir
Q Did you have a girl named Mary? A. No sir.
Q Girl named Lily? A No sir.
Q Did you apply to the Kern Clifton Commission in 1896? A Yes sir
Q Where? A. Here.
Q Where have you been living for the past twenty years? A. Here at Fort Gibson, and at Muskogee for awhile.
Q Have you ever been outside of the Territory since 1866? A No sir
Q Is Fort Gibson your post office now? A. No sir, I am living at Vinita now, have been for a year, before that I had my postoffice at Muskogee.
Q Did you ever live in Kansas? A. No sir never lived there, I staid there a while.
Q Where did you stay in Kansas? A. In Parsons.
Q How long? A. A year or six months.
Q Where did you marry Boyd? A. In Muskogee.
Q When? A. About a year ago.
Q Who did you go to Kansas with a name Joe Thornton? A.Yes sir
Q When? A. I dont know when, but I went with him.
Q Was it 20 years ago? A. No sir indeed it was not 20 years ago
Q About how long ago was it? A. I dont remember, I know I went there and come back.
Q How long did you stay there? A. About a year.

By Com'r Needles- The name of Polly Boyd is not found on the authenticated roll of 1880 nor the census roll of 1896, but her name is found on the Kern Clifton pay roll as Polly Thompson, that having been her name before she married Boyd. The testimony develops the fact that she is entitled to be enrolled as a Cherokee freedman, but now comes theCherokee Nation and protests the enrollment of the said Polly Boyd and asks for time to investigate the matter more fully, consequently she will be listed for enrollment on a doubtful card as a Cherokee freedman

= = = =

Chas. von WEise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

Commissioner.

Commissioner,

Respectfully to the State of Okla. from

Respectfully submitted

Chas. Meyer

Chief Clerk to the Commissioner

Chief Clerk to the Commissioner

Respectfully submitted

E. B. Brockunier

Respectfully submitted

W. D. Green

Respectfully submitted

Tams Bixby

Respectfully submitted

Tams Bixby

Respectfully submitted

Tams Bixby

To be filed in the application of Stella Thompson, S. F. D. 312.

* *

SUPPLEMENATAL D. 83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T. April 16,1901.

In the matter of the application of Polly Boyd for the enrollment of herself as a Cherokee freedman; being sworn and examined by Commissioner Needles she testified as follows—

Q You are the applicant? A. Yes sir.

Examined by Cherokee representative, W. W. Hastings.

Q Polly where did you marry your first husband who was named Thornton?
A Here at Ft. Gibson
Q About when was that? A. I dont remember just when it was.
Q Well about when was it, about how many years ago? A. Well I guess about between 26 and 27 years ago..
Q Where did you go after you married him? A. Went to Kansas.
Q How long did you stay here with him after you married him before going to Kansas? A. I dont remember.
Q About how long? A. I cant tell you; that has been so longI cant remember.
Q We want your best judgment of how long you staid there? A I am going to give you my best judgment too.
Q Did you stay here a short time with him? A. I staid a long time,I dont remember how long.
Q Did you stay more than a year? A. Oh yes.
Q About how many years now? A I dont know. I cant say because I dont remember.
Q About how many years did you stay with him? A.I dont know,nine or ten I guess
Q Where was your first child born by Thornton? A. In the Cherokee Nation
Q Where was your second child born? A. In the Cherokee Nation.
Q Was any of your children born in Kansas? A. No sir, not one.
Q Now when did you return from Kansas to the Cherokee Nation? A I dont know just how long it has been.
Q About how long? A Well I dont know; I cant remember them things.
Q Have you been back three years? A Of course I have.
Q Have you been back four years? A Well I guess I have.
Q Well, now, do you think you have been back five years? A I dont know just how long I have been back.
Q Now, under oath, what is your best judgment as to the time you have been back here? A I dont know.
Q Well, the Commission would like to know: you are here to testify?
A Well I dont know; I dont remember them things.
Q Well but that aint very long? A I dont know just how long it has been.
Q Well you may now know exactly the day,but your best judgment as to how long you have been back there? A. About twenty years I guess.
Q You have been back from there twenty? A Yes sir.
Q Now where have you been living that twenty years? A. I have been living here at Gibson.
Q Did you come from Kansas first to Gibson? A. Yes sir, been living here at Ft. Gibson.
Q That was after you returned fromKansas? A. Yes sir.
Q How long did you live here at Ft. Gibson? A. Lived here until I went to Muskogee.
Q You went from here to Muskogee, where you are not living? A.Yessir
Q How long have you been living at Muskogee? A About a year or two.
Q Then with the exception of that you lived at Ft. Gibson ? A Lived at Ft. Gibson.
Q You come from Kansas back to Ft. Gibson when you come? A Yes sir
Q Any your best judgment,you have ben back here twenty years? A Yess sir.

Q You know you have been back here more than fifteen? A Yes sir I know I have.
Q Where did you live here at Ft. Gibson, with your husband? A Lived with my mother-in-law, Nancy Thornton.

* * * * * * * * *

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript, of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this April 17th 1901.

(signed) C. R. Brockinridge.

* * * * * * * * * * * * *

I, Chas. von Weise, upon my oath state that the foregoing is a full and correct copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 30th of July, 1901.

Commissioner.

File with C. F. D. #312.

Supl.-C.F.D.#83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of POLLIE BOYD as a Cherokee freedman, introduced on part of Applicant:

Appearances:
I. P. Bledsoe, Chouteau, I.T., Agent for applicant;
Mr. W. W. Hastings, Cherokee representative.

TOM RIDER, being duly sworn, testified as follows on part of applicant:

MR. BLEDSOE:

Q What is your name? A Tom Rider.
Q How old are you? A 57.
Q Whate do you live? A I live about three miles southeast of Chouteau.
Q Are you a Cherokee freedman? A Yes, sir.
Q Upon the roll of 1880? A Yes, sir.
Q Did you know one Jake Martin? A Yes, sir, I know Jake Martin.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Lucy Martin.
Q Was she a Cherokee citizen? A Yes, sir.
Q Did you know one Peggie Alberty? A Yes, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Blue Alberty.
Q Where did they live? A At the time I knew them they lived up here on the Grand river, about 12 or 13 miles above Chouteau in what we call the Bryant settlement.
Q Did these parties, Jake Martin and Peg Alberty, have any children? A Had two children.
Q What were their names? A Boy by the name of Guesso and child, girl by the name of Pollie.
Q Do you know where these people went, taken during the war?
A Yes, sir; they was taken several years before the war to Russ County, Texas.
Q They were still the property of this man Alberty, Blue Alberty?
A Yes, sir.
Q About what time were they brought back here to the Cherokee Nation? A They was brought back here in '66, along in the summer of '66.
Q Where outs were they brought to? A They come in upon on Pryor creek where Mrs. Archey lives.
Q Have you seen this child Pollie since she came back?
A Yes, sir; she lived on Pryor Creek, I lived there two or three years and she disappeared from there and I don't know what become of her.

MR. HASTINGS:

Q How long before the war was her parents taken to Texas?
A Before the war.
Q Where was Polly born, was she born in Texas? A No, she was not born in Texas.
Q How long before the war were they taken to Texas? A It must have been eight years; that is as well as I can guess at it; it has been 40 years ago since they taken them to Texas.
Q And that was eight years before the war? A Yes, sir.
Q What is your age now? A 57 years old.
Q And this was eight or nine years before that?

A Yes, I guess, I would not confine myself to fact.
Q How do you know that they were taken there to Texas before the war? A Simply because I seen them.
Q Do you know who took them? A Yes, sir.
Q Who? A Blye Alberty and his wife took them.
Q Did they move at that time? A Yes, sir.
Q And didn't come back until after the war? A No, sir; not to make it their home.
Q They moved and took their slaves and everything to Texas eight or nine years before the war? A Yes, sir; as far as I know about it.

Commission: This testimony will be filed and made part of the record in the following freedmen cases: D.310 andD.312.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transtript of my stenographic notes thereof.

J O Rosson

RECEIVED
JUL 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 83,
D 310 & D 312.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications of POLLIE BOYD, WILLIAM THOMPSON and STELLA THOMPSON for enrollment as Cherokee freedmen.

It appears that on June 3, 1904, the applicants and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants appear in person.
Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

JAMES M. KEYS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James M. Keys.
Q How old are you? A 61 years.
Q What is your postoffice address? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q You are a marshal for the Cherokee attorneys in this enrollment?
A Yes, sir.
Q Do you know whether or not Pollie Boyd was the slave of a Cherokee citizen before the war? A No, sir.
Q You don't know who she belonged to? A No, sir, I know who she said she belonged to.
Q I believe she claims that she belonged to one Blue Alberty, do you know him? A Yes, sir.
Q Was his name Blue or Lou? A Bluford.
Q Where did he live before the war? A He lived in Cooweescoowee district and then moved to Tahlequah, where he died.
Q When did he die? A I don't remember the year.
Q Before the war? A No, sir, since the war.
Q Was he a recognized citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know whether or not he owned any slaves before the war?
A Yes, sir, but I don't know any of them.
Q Did Blue Alberty die before the year 1880? A He died afterwards.
Q Where was he living when the 1880 roll was made? A Cooweescoowee.
Q Did he have a wife and family? A He had a wife.
Q What was her name? A Eliza Alberty.
Q Did he have any children? A He had one child, Beatrice Markham; she is dead.

(No cross examination).

oo-o-o-o-o-o-o-o-o-oo

H. M. Vance, being first duly sworn, states that as stenographer

to the commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W. M. Mann

Subscribed and sworn to before me this the 20th day of July, 1904.

Chas. N. Sawyer

Notary Public.

6 F. B.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Polly Boyd, et al., as Cherokee Freedmen, consolidating the applications of --

Polly Boyd	Cherokee Freedmen D-83,
William Thompson	Cherokee Freedmen D-310,
Stella Thompson	Cherokee Freedmen D-312.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself. Further proceedings in the matter of the application of Polly Boyd were had at Muskogee, Indian Territory, March 4, 1902, and June 18, 1904.

The evidence in this case shows that the said Polly Boyd was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken by her master, out of the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, William Thompson and Stella Thompson, are the children of the said Polly Boyd, born in the Cherokee Nation since 1866, and have continuously resided therein since birth.

The evidence further shows that Polly Boyd has resided in the Indian Territory continuously since 1866, with the exception of a few years during which time she lived in Kansas, but it does not appear that her residence in Kansas forfeited her right to citizenship in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Polly Boyd, William Thompson and Stella Thompson, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898. (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED)
Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 1 1905
this _____

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-312.

Muskogee, Indian Territory, June 3, 1904.

Stella Thompson,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that Lou Alberty, former owner of your mother, Pollie Ward, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen
D-83, D-310, D-312.

Muskogee, Indian Territory, June 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Pollie Ward, William and Stella Thompson as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that Lou Alberty, former owner of said Pollie Ward, was a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Tahlequah, Indian Territory, January 31, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is returned herewith the record with prepared decision in the matter of the application for enrollment as Cherokee freedmen, of Polly Boyd et al., Cherokee F. D-83 et al.

I have not signed this decision which holds that the applicants should be enrolled as Cherokee freedmen. Neither Polly, nor her father or mother, nor any of her children appear on either the 1880 authenticated roll or the 1896 census roll. She herself was refused enrollment in 1880. Her testimony is very contradictory and evidently wholly unreliable and it is substantially without support.

I think the applicants in this case should be denied enrollment and accordingly return the record for further consideration if deemed advisable by the other Commissioners, otherwise I vote in the negative upon this application. In the latter event I ask that the Cherokee Attorneys be duly notified, and that the case be referred to the Department for review and final determination.

Respectfully,

(Signed) C. R. Breckinridge
Commissioner in Charge
Cherokee Land Office.

MMJ

Enc. J-5

COPY.

Cherokee Freedmen

D-312.

Muskogee, Indian Territory, March 25, 1905.

Stella Thompson,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 23, 1905, granting, among others, your said application, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. C-57.

Register.

COPY.

Cherokee Freedmen

D-83 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-59.

Cherokee Freedmen
D-83 et al.

COPY.

Muskogee, Indian Territory, March 25, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, including the Commission's decision dated March 25, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

(Signed) Tams Bixby.
Chairman.

Incl. S-60.

Through the

Commissioner of Indian Affairs.

(Copy).

Refer in reply to the following:

Land.
22077-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Polly Boyd for herself; by William Thompson for himself, and by Stella Thompson for herself.

March 23, 1905, the Commission decided favorably to all the applicants.

The record shows that Polly Boyd was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation but returned thereto on or before February 11, 1867, and thereafter resided therein.

The record further shows that one of the children of Polly Boyd was in the employment of the [illegible] and now [illegible] with [illegible].

The record further shows that Polly Boyd has resided continuously in the Indian Territory since 1866, with the exception of [illegible] in Kansas.

In view of the record the approval of the Commission's

decisionfavorable to all the applicants is recommended.

Very respectfully,

. Larrabee

Acting Commissioner.

(Copy).

Y. P.

WHF.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 3614-1905.

L. B. C.

August 8, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 25, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Polly Boyd, Stella Thompson and William Thompson as Cherokee freedmen, including its decision of the same date, granting said application.

Reporting April 7, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and the Commission's decision favorable to the applicants is hereby affirmed.

Respectfully,

(Signed): Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-~~83~~ 312 et al.

COPY.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Polly Boyd, William and Stella Thompson as Cherokee freedmen, was affirmed by the Department on August 5, 1905.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

Incl. S-51

Cherokee Freedmen

D-312.

COPY.

Muskogee, Indian Territory, August 17, 1905.

Stella Thompson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee fre dmen and approved by the Secretary of the Interior, of which action you will be duly notifed.

Respectfully,

(SIGNED) Wm C Hall

Acting Commissioner.

LS


REGISTERED
1922



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

N.D.

Cher Fr 1476

Trans. from Cher Fr D895

Cher Fr 1476

(C O P Y)

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., Sept. 30, 1903.

In the matter of the application for the enrollment of Louvinia Foster as a Creek Freedman.

APPEARANCES: A.P. Murphy, attorney for Creek Nation.

Louvinia Foster being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Louvinia Foster.
Q What is your age? A I can't tell you; I never did know it.
Q Were you born before the war? A Yes,sir.
Q What is your postoffice address? A Dodson, Indian Territory.
Q Do you make application to be enrolled as a Creek Freedman?
A Yes sir. If I am all owed to.
Q What was the name of your father? A Prince was his name.
Q Did he have any other name? A Not as I knows of.
Q Is he living or dead? A Dead.
Q How long has he been dead? A A long time ago; when I was a little girl.
Q What is your mother's name? A Hager Kernel.
Q Is she living or dead? A She's dead.
Q How long has she been dead? A If I am not mistaken I think about 9 years now.
Q Where do you live now? A In the Cherokee Nation.
Q How long have you lived there? A Ever since I have been married to my husband; I left home in time of the war and I never have been home here to stay.
Q Did you ever live in the Creek Nation? A Before the War.
Q You have never lived in the Creek Nation since then? Not since.
Q Did you ever hear of the Dunn Roll? A I heard of it since I come over to enroll.
Q Do you know whether your name is on it? A Yes sir.
Q Did you have a step-father? A Yes,sir.
Q What was his name? A John Kernel.
Q Is he living? A He's dead.
Q How long has he been dead? A I can't tell.
Q Did he die before your mother? A He died afterwards but I don't know whether it was six years or five years.
Q Did you have any brothers or sisters? A Yes sir.
A Give me the names of those living and dead? A Jim is my brothers Sarah, Jane, Sallie, Mary and Judy.

The roll of Creek Freedmen prepared by J. W. Dunn prior to March 14, 1867, examined and the following names appear thereon: John Kernal atNo. 1475, Hag er Kernal at No.1476, Judy Kernal at No.1477, Samuel Kernal at No. 1478, Mary Kernal at No. 1479, Sally Kernal at No. 1480, Vina Kernal at No. 1481.

Q Did you have a brother named Samuel? A Yes,sir.
Q Is he dead? A Yes sir.
Q How long has he been dead? A I can't tell you.
Q Did he die before your mother? A Yes,sir.
Q Is Mary dead? A Yes sir.
Q Did she die before your mother? A After.
Q How long after? A To tell you the truth I can't think just how many years she's been dead; I think she died after her father died but I can't say how many years.
Q Did you ever draw any money from the Creek Nation? A Yes sir
Q Did you draw for some children at the same time? A I can't tell, I wasn't here; I received what was sent me.
Q How much was sent you? A About $60 I think I got.
Q Had you a son named Tom? A Yes sir.
Q And a daughter named Sarah? A Yes,sir.
Q And a son named George? A Yes,sir.
Q Did you have a child named Francis? A Yes,sir
Q Is that child living or dead? A Dead .
Q How long has she been dead? A 10 or 11 years now.
Q Did you have one named Louisa? A Yes. She's dead.
Q How long has she been dead? A About--
Q Did she die before your mother died or after? A Before
Q Did you have a child named Robert? A Yes,sir; he's dead; he has been dead about eight years this last July.
Q Did you have one named Delilah? A No answer.
Q Have you got another child that's dead? A Yes,sir.
Q What was his name? A Willie.
Q Got any o hers? A No sir.
Q How long has that child been dead, Willie? A Its hard for me to tell.
Q Died before your mother or after? A Long time before my mother died.

The 1890 Authenticated Creek tribal rolls examined and the applicant identified thereon at page 69, Canadian Town, as Vina Forster with a notation showing that she has been listed for enrollment on Cherokee Freedman Card No.895

Q Do you kno what town in the Creek Nation you belong to? A No sir
Q Have you any children under 21? A No,sir, George is the youngest I have got.
Q How old is George? A He is eighteen.

The 1890 Authenticated tribal rolls of the Creek Nation examined and George Foster identified thereon, page 69; Canadian Town.

The 1895 pay roll of the Creek Nation examined and the applicant is identified thereon at No. 1036, Canadian Town, as Levina Foster; her son, George is identified thereon at No. 1039, Canadian Town, as Georgie Foster.

Q If it should be found that you are entitled to enrollment in either the Creek Nation or the Cherokee Nation, in which Nation do you elect to enroll? A I would rather come back here and be enrolled over here.
Q In which Nation would you rather have your son, George? A I wants him to be enrolled where he would rather be.
Q Where is that? A At home in the Cherokee Nation.
Q You want George enrolled as a citizen of the Cherokee Nation?
A Yes sir.
Q You want to enroll yourself in the Creek Nation? A Yes sir.

Examination by Mr. Murphy:

Q When did you leave the Creek Nation? A In the time of the war.
Q Where did you go to? A I followed the army around and wherever they stopped and they come back to Gibson Station.
Q Have you ever been living in the Creek Nation since the War?
A No sir.
Q Never have? A Not at all.
Q And don't live there now? A No.
Q You have drawn money in the Cherokee Nation? A Yes sir.
Q You are on the Cherokee rolls? A Yes sir.
Q You are on the 1880 Cherokee roll? A Yes,sir.
Q You have exercized all the rights of a Cherokee and been claiming to be a Cherokee haven't you? A Yes sir
Q Never have been claiming that you were a Creek? A No sir
Q You have always claimed since the war that you was a Cherokee?
A Yes, with my husband.
Q Your husband was Cherokee? A Yes sir
Q You don't intend to move into the Creek Nation, do you? A I don't know that I will do.
Q You say things have changed; you have concluded to come over here; what do you mean by that? A My health isn't good and I have come over here to be close to my folks.
Q What folks? A My sister.
Q Are they here now in the Creek Nation? A Yes,sir.

By the Commission:

It appears that the applicant appeared before the Commission at Muskogee Indian Territory June 27, 1901, and made application for enrollment as a Cherokee Freedman; the proceedings had at that time is made a part of the record herein.

Henry C. Mains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the above case September 30, 1903, and that the above and foregoing is a full true and correct transcript of his stenographic notes in same.

(Signed) Henry G. Hains.

Subscribed and sworn to before me this 24th of October, 1903.

(Signed) Charles H. Sawyer
Notary Public

(S E A L)

Lucy M. Bowman on oath states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

Subscribed and sworn to before me this 26th day of August, 1904.

Notary Public.

A.F.C
D.C.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Luvinia Foster et al., as Cherokee Freedmen, consolidating the applications of:

Luvinia Foster, et al.,	Cherokee Freedmen D 895
Phillis Foster,	Cherokee Freedmen 1078,
Susie Foster,	Cherokee Freedmen D 1136,
Malinda (Martha) Foster,	Cherokee Freedmen D 1137.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Luvinia Foster for herself and minor son, George Foster; and by Phillis Foster for herself; and for enrollment as Cherokee citizens by Emmet Starr for Susie and Malinda (Martha) Foster.

The evidence in this case shows that one Randall Foster, deceased, who was a Cherokee by blood, and the said Luvinia Foster, both of whom are duly identified on the Cherokee authenticated tribal roll of 1880, are the parents of the applicants, George, Phillis, Susie and Malinda (Martha) Foster; and that the said George Foster was born since 1880, has continuously lived in the Cherokee Nation since birth, and is duly identified on the Cherokee census roll of 1896.

The evidence further shows that all the applicants herein possess rights to enrollment as Creek Freedmen; that on September 30, 1903, said Luvinia Foster appeared before the Commission at Muskogee, Indian Territory, and on behalf of her minor son, the said George Foster, elected that he be enrolled and receive his allotment of lands and distribution of moneys in the Cherokee Nation; and that on November 21, 1904, the said Phillis Foster appeared before the Commission at Muskogee, Indian Territory, and

elected to be enrolled and receive her allotment of lands and distribution of moneys in the Creek Nation.

The evidence further shows that the applicants, Luvinia Foster, Susie Foster and Malinda (Martha) Foster, are included in a partial roll of Creek Freedmen approved by the Secretary of the Interior, March 28 , 1902, and May 21, 1904, at Numbers 5434, 3423 and 4726, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that George Foster should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Luvinia Foster, Phillis Foster, Susie Foster and Malinda (Martha) Foster, should be denied, under the provisions of said section twenty-one of the Act above noted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY
Chairman

(Signed) T. B. NEEDLES
Commissioner

(Signed) C. R. BRECKINRIDGE
Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13, 1905.

(C O P Y)

Refer in reply
to the following
Land
38062-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS ,

WASHINGTON. May 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Luvinia Foster for herself and her minor son, George Foster; and by Phillis Foster for herself; and for enrollment as Cherokee citizens for Susie and Malinda (Martha) Foster.

May 13, 1905, the Commission decided favorably to George Foster and adversely to all the other applicants.

The record shows that one Randall Foster, deceased, who was a Cherokee by blood, and the applicant, Luvinia Foster, both of whom are identified on the 1880 authenticated Cherokee roll, are the parents of all the other applicants; that the said George Foster was born since 1880, has continuously lived in the Cherokee nation since birth and is duly identified on the Cherokee census roll of 1896. The record further shows that all of the applicants posse s rights to enrollment as Creek freedmen.

The record further shows that Luvinia , Phillis, Susie and Malinda (Martha) Foster have been enrolled as Creek Freedmen, have received and accepted their allotment of lands in the Creek Nation.

In view of the record the approval of the Commission's decision favorable to George Foster and adverse to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.
W.

(C O P Y)

D. C. 38704
I.T.D. 6390-1905
L R S

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

August 9, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications for enrollment as Cherokee freedmen by Luvinia Foster for herself and her minor son George Foster; and by Phillis Foster for herself; and for enrollment as Cherokee citizens for Susie and Malinda (Martha) Foster, including its decision of the same date granting the application for the enrollment of George Foster and rejecting the applications for the enrollment of Luvinia, Phillis, and Malinda (Martha) Foster as Cherokee freedmen.

Reporting May 27, 1905, the Indian Office recommended that the Commission's decision favorable to George Foster and adverse to all the other applicants be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the Commission's decision favorable to George Foster and adverse to all the other applicants is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

Cher Fr 1477

Trans. from Cher Fr D 346

Cher Fr 1477

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 17, 1901.

In the matter of the application of Hannah Starr for the enrollment of herself, her husband, Charley Starr, and her three children as Cherokee Freedmen; she being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your name? A Hannah Starr.
Q How old are you? A 29.
Q What is your postoffice? A Wimer.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have enrolled; anybody besides yourself?
A Children.
Q How manym children? A Three.
Q Have you a husband? A Yes sir.
Q Is he a state man? A No sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Are you living with him? A Yes sir.
Q Why don'tyou apply for him - include him also in your application?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. Mose Whitmire.
Q He is dead, is he? A Yes sir.
Q Give me the name of your mother. Maria.
Q She is alive, is she? A Yessir.
Q Give me the name of your husband? A Charley Starr.
Q Where is your husband at this time? A He is at home.
Q You say he is a Cherokee Freedman? A Yessir.
Q How old is he? A I don't know, he is forty I guess.
Q Give me the name of his father. A Jack Starr.
Q Is he alive? A Yes sir.
Q Give me the name of your husband's mother. A Charlotte Starr.
She is dead.
Q How long has she been dead? A I don't know how long.
Q When were you and your husband married? A We have been married
13 years this coming June.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A No sir.
Q Give me the names of your children. A Minerva Starr.
Q How old is that child? A She is seven years old.
Q Give me the name of the next child? A Theodore Starr.
Q How old is that child? A He is four years old.
Q Give me the name of the next child? A Mable Starr.
Q How old is Mable? A She is two years.
Q Are these children all living now? A Yes sir.
Q Who is there here who knows that you and your husband have been
living together as husband and wife, anybosy? A Yes sir, y
sister.

Helen Whitmire, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Helen Whitmire.
Q How old are you? A 25.
Q What is your postoffice? A Wimer.
Q Are you the sister of this applicant here A Yes sir.
Q Is your sister Hannah married? A Yes sir.
Q To whom is she married? A Charley Starr.
Q Give me the name of your mother. A Maria Whitmire.
Q You areafull sister of Hannah, are you? A Yes sir.
Q About how long has your sister been married? A About 13 years.
Q Have they lived together ever since they were married? A Yes ir.

Commissioner of Applicant: Have you any name besides Hannah? A No sir.
Helen Whitmire recalled: You say this woman, Hannah, here, is your full sister? A Yes sir.

The 1880 authenticated roll, the 1896 census roll and the Kerns Clifton Roll, examined for the name of the applicant and her name is not found thereon.
The 1880 authenticated roll examined for the name of the applicant's mother and her name is found on page 198, No. 3178, Mariah Whitmire, Cooweescoowee District.

Commissioner of Applicant: Didn't you draw strip money, the big payment? A No sir, they wouldn't find my name. I drawed the Wallace money.

The Wallace Roll examined and the name of the applicant is found on page 187, No. 3487, Hannah Whitmire, District not given.

Q Did you draw money from that Wallace Roll? A Yes sir.
Q But you didn't draw from the Kerns Clifton Roll? A No sir.
Q Was that because you couldn't find your name on the 1880 roll?
A They said it was on there, but it wasn't found on the other roll.

Maria Whitmire, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Maria Whitmire.
Q How old are you? A I can't tell you my age; I was eleven when the war broke out.
Q You are the widowof Mose Whitmire, are you? A Yes sir.
Q We enrolled you just a while ago? A Yes sir.
Q Is this your daughter here? A Yes sir, that is my next oldest daughter.
Q Whatwas this woman's name? A Hannah Whitmire
Q Why is she not on the roll with you in 1880? A It must have just been misplaced; the children's nameshave all been put down right.
Q This daughter, Hannah, is she the child of your husband, Mose?
A Yes sir, all my children are his.
Q Where was this woman born? A Born on Big [illegible] Creek.
Q In the Cherokee Nation? A Yes sir.
Q Has she ever lived outside of the Cherokee Nation? A No sir.
Q Did you have her put down on the Wallace Roll? A Yes sir, I had her put on the Wallace; she was on the 1880 roll too. Her pa put them down.
Q Have you ever drawn any money for this woman? A All my children drawed with the Cherokees.
Q What money have you drawn for this woman? A The money they called the bread money, and then we drawed with the Cherokees down here on — it wasn't Dog Creek, I don't think it was; Claremore, I think.
Q You don't know what money it was? A I drawed $16.00 and something; we drawed twice with the Cherokees; our rights never has been disputed.
L. B. Bell: Now, on the roll of 1880, you are down here with Susan, 9 years old. [illegible] Who was your next one? A Hannah.
Q Was Bertha your child? A Yes sir.
Q She was put down as seven? A She was younger than this one. Their daddy put their names down; they made have made a mistake.
Commissioner: You say this is your oldest child? A Susan is the oldest and Hannah next one and then Bertha.
Q Hannah is your next oldest child? A Next oldest daughter.
Commissioner of Applicant- Did you live with your mother all your life until you were married? A Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the

name of the applicant's husband not found thereon.

Q What district was your husband in four years ago? A Cooweescoowee District.

The Kerns Clifton Roll examined and the name of the applicant's husband is found on page 141, No. 3492, Charles Starr, Cooweescoowee District.

The 1896 census roll and the Kerns Clifton Roll examined for the names of the applicant's children, and their names are not found thereon.

Q How long has your husband lived in the Cherokee Nation? A All of his life.
Q Did he get out a Cherokee license when he mrried you? A No sir.

The applicant applies for the enrollment of herself, her husband and three children. The applicant is not identified on the roll of 1880, or upon the roll of 1896, or upon the Kerns Clifton Roll. She is duly identified upon the Wallace Roll, and her mother is identified on the roll of 1880. It appears that in the enrollment of 1880, the name of this child was omitted apparently through negligence. Her mother and sister testify clearly to her family connection, and it is stated that she has lived in the Cherokee Nation all her life. The Cherokee representative, however, desire to make further inquiry in regard to the status of the applicant, and at present, therefore, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. Her husband, Charley Starr, is said to be a Cherokee Freedman, and to have married his wife 13 years ago. He is identified on the Kerns Clifton Roll, but not upon the rolls of 1880 or 1896. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and it is desired that he furnish additional proof as to his qualification under the treaty of 1866. Of the three children named in the testimony, none of them are identified upon any roll. The applicant is desired to supply the Commission with certificates of their births, when these three children, MiMarta, Theodore and Mable Starr, will be listed with her upon a doubtful card as Cherokee Freedmen. When the decision of the Commission is rendered, the applicant and her husband will be notified at their postoffice address.

Supplemental testimony.

L. D. Daniels being sworn, and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A L. D. Daniels.
Q How old are you? A 56.
Q What is your postoffice? A Claremore.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A All my life, except about a year.
Q Do you know Martia Whitmire? A Yes sir.
Q Did you know her husband? A Yes sir.
Q What was his name? A Little Moss Whitmire, we called him.
Q Is this, the Maria Whitmire that you knew? A Yes sir, that is the lady.
Q Have you known her as a Cherokee citizen always? A Yes sir, always as a Freedman.
Q As a Freedman, that is? A Yes sir.

Q Was Mose Whitmire a recognized Freedman a so? A Yes sir.
Q Do you know their children? A Yes sir, I know all of them.
Q Do you know this woman who is applying here? A Charley Starr's wife, yes sir.
Q What is the name of her husband? A Charley Starr, Jr.
Q Is this woman Hannah Starr, the child of Mose Whitmire and Maria Whitmire? A Yes sir.
Q Do you know that of your own personal knowledge ? A Yes sir.
Q Can you explain why she was left off the roll of 1880? A I can explain the cause of it, I think because her husband was always counted a doubtful citizen.
Q He is on the roll of 1880 himself? A Well, I can't explain that then.
Q Her father is on the 1880 roll? A Oh, Mose is, but her husband.
Q I amtalking about why Hannah was left off the 1880 roll? A I can't see anything but neglectgentfullness. The census takers knew them very well.
Q You don't know of any very good reason? A No sir, I don't know why they lefy her off.
L. B. Bell: Where did you know these folks in 1880? A Why they were on Big Creek close to Albert Morris'.
Q You was living near, were you? A Ten miles from them on Gooseneck bend; I moved here in '75.
Q How many children did Maria and Mose have in 1880? A Two or three, I don't remember which.
Q Name them please? A I didn't go around the house to name them, but I was well acquainted with the parents.
Q Did you know Hannah? A I know the child because I have been there lots of time.
Q You state that from your own personal knowledge you knew her to be their child? A Yes sir.
Q Name the children they had in 1880? A A boy there and a couple of girls, I believe.
Q What was the girl's name? A You called the girl's name just now.
Q Well, you want to call it? A Hannah.
Q You think you heard that name, do you? A You know, Mr Bell, just as well as not, that a man don't go around and ask the peoples what is this man's or child's name when he goes and visits his friends. That is why a person is not able to name the children.
Q You started out here seemingly with a perfect knowledge of the thing, that you knew the girl from the day she was born? A I told you who her man was, who she married.
Q Then you don't know much about them, do you? A Yes, I do.
Q Tell me how many children they had in '80? A Two or three, to the best of my knowledge.
Q That was all? A That is all I remember; they may have had more running about there; I never asked how many children they had.
Q Tell me somethin; definite about Hannah, you said it was Mose and Maria Whitmire's child? A Yes. I know when Hannah was married and who married her.
Q Well, that was some time after she was born, was it? A Yes, of course, thirteen years ago.
Q I want some knowledge of yours, when was she in that family - you swore you knew her? A I didn't swear I was there when she was born; and I swore that according to my knowledge there were two or three. I visited them because I was in the campaign and I wanted Mose to vote my way and I wanted all the legal votes I could get.
Q I don't want to know anythingabout that. You don't know whether this is Mose and Maria's child ? A Yes sir; it is Mose's girl, always said to be.
Q When did you first know her by the name of Hannah? A After she married Charley Starr. I was well acquainted with the daddy and his boy, and I knew Hannah when she married.
Q When she married you beganknowing her as Hannah Whitmire? A I knowed her as Hannah Starr. I was there when she was Hannah Whitmire Her father froze to death.
Q When did you know her as Hannah Whitmire? A You want to know when they told me. They never did tell me.

Q You never knew what her name was until she married, until she was Hannah Starr? A I asked which one of the girls married Starr and they said Hannah.
Q You don't know of your own personal knowledge whether it is Mose's or Maria's child? A Yes sir, I do.
Commissioner: Q I want you to look at this woman - you have been asked a good deal about this woman. Do you know her face? A Yes sir.
Q Have you been personally acquainted with her? A With two or three children.
Q I am talking about this woman here? A Yes sir.
Q How long have you known this woman as you recognize here now?
A It has been about between 18 and 23 years.
Q Somewhere between 18 and 23 years? A Yes sir.
Q Were you a friend of her father's? A Yes, I was a good friend of his; I knew him when he first come back to the country after the war.
Q Did you know him, Mose, and Maria Whitmire well? A Yessir.
Q Were you often a visitor at their house? A I didn't visit them more than two or three times before he froze to death.
Q Do you distiently remember this woman as one of the children of the family? A Yes sir, I do.
Q Whether you knew the name or not? A Yes, I do.
Q You remember the face and the woman? A Yes sir, I remember the face and the woman, and I know them, Judge.
Q How often have you seen this woman from the time she was a child in the family down to this time; have you seen her frequently?
A I have seen her nearly all the while I went over there to her husbandshouse two or three times since she was married, and I have been over to the widow's several times since her husband died. I was always over there.
Q When you were at this wman's house after her marriage, do you recognize her distinctly as the child you had seen in Mose Whitmire's family? A Yes sir.
Q And did this woman always pass as the natural child of Mose and Maria? A Yes sir.
Q No adoption or anything of that sort? A No sir.
Q Was she there like the other children as one of the family? A Yes sir.
Q And claimed by the father and mother as their child? A Yes sir, and the man that lived close by, Albert Morris, knows to.
Q Where is Albert Morris? A He lives at Nowata.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(X) X. Rothenberger

Subscribed and sworn to before me this 20th day of May, 1901.

Commissioner.

B.

1477

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
M... 17 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 17, 1901

Post Office Miner, I.T.

District Cov

1. Name Charles Starr Age 40

Owner's number Citizenship

Year [illegible] Page 141 No. 3493 District Cov

Parents:

Father Jack Starr - living Citizenship

Mother Charlotte " - dead Citizenship

2. Name of wife Hannah Starr Age 29

Owner's number Wallace Citizenship

Year [illegible] Page 187 No. 3427 District

Parents:

Father Moses Whitmire - dead Citizenship

Mother Maria " - living Citizenship

Names of Children:

3.	Minerva Starr	Year	Page	No.	Dist.	7
4.	Theodore "	Year	Page	No.	Dist.	4
5.	Mabel "	Year	Page	No.	Dist.	2
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Hannah Starr Stenographer C. C. Rothenberger

for Wallace 'child. Hannah Whitmire

3, 4 and 5 - affidavits of birth required.

Further proof required as to citizenship of No. 1

CHEROKEE FREEDMAN. D 246

IN RE

Application for Enrollment of

INFANT CHILD

Minnie Starr

as a citizen of

CHEROKEE Nation

Approved, MAY 17 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Minerva Starr (Here insert name of child) born on the 5th day of November, 1894

Name of Father: Charles Starr, a citizen of the Cherokee Nation.

Name of Mother: Hannah Starr, a citizen of the Cherokee Nation.

Post-office, Wimer I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Hannah Starr, on oath state that I am 29 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charles Starr, who is a citizen, by adoption, of the Cherokee Nation, that a female (male or female) child was born to me on the 5th day of November 1894 that said child has been named Minerva Starr, and is now living.

WITNESSES TO MARK (Must be Two Witnesses)

Hannah x Starr

Subscribed and sworn to before me this 17th day of May 1901.

I. P. Bledsoe NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mariah Whitmire, a midwife, on oath state that I attended on Mrs. Hannah Starr, wife of Charles Starr, on the 5th day of November, 1894 that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Minerva Starr.

Mariah x Whitmire mark

WITNESSES TO MARK: (Must be Two Witnesses)

Benjamin Wood

William Whitmire

Subscribed and sworn to before me this 17th day of May 1901.

I. P. Bledsoe NOTARY PUBLIC.

CHEROKEE FREEDMAN ~~3316~~

IN RE

Application for Enrollment of

INFANT CHILD

Thurber Starr

as a citizen of

CHEROKEE Nation.

Approved MAY 17 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 17 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 30

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE

IN RE Application for Enrollment, as a citizen of the ..... Nation,

of Theodore Starr (Here insert name of child), born on the 6th day of January, 1897

Name of Father: Charles Starr, a citizen of the Cherokee Nation.

Name of Mother: Hannah Starr, a citizen of the Cherokee Nation.

Post-office: Wirt I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Hannah Starr, on oath state that I am 21 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charles Starr, who is a citizen, by adoption, of the Cherokee Nation, that a male (male or female) child was born to me on the 6th day of January 1897; that said child has been named Theodore Starr, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses)

Hannah Starr

Subscribed and sworn to before me this 17th *day of* May 1901.

J. P. Bledsoe
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Mariah Whitmire, a midwife, on oath state that I attended on Mrs. Hannah Starr, wife of Charles Starr, on the 6th day of January, 1897, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Theodore Starr

Mariah her mark Whitmire

WITNESSES TO MARK:
(Must be Two Witnesses)

George Mon Dove
William Whitmire

Subscribed and sworn to before me this 17th *day of* May 1901.

J. P. Bledsoe
NOTARY PUBLIC.

CHEROKEE FREEDMAN. ~~Dawes~~

20

IN RE

Application for Enrollment of

INFANT CHILD

Mabel Starr

as a citizen of

CHEROKEE. Nation.

Approved MAY 17 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

BIRTH AFFIDAVIT. 29

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Mabel Starr, born on the 8" day of Dec. , 1899

(Here insert name of child)

Name of Father: Charley Starr, a citizen of the Cherokee Nation.

Name of Mother: Hannah Starr, a citizen of the Cherokee Nation.

Post-office. Wiwer I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Hannah Starr, on oath state that I am 29 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charles Starr, who is a citizen, by adoption, of the Cherokee Nation, that a Female (male or female) child was born to me on the 8" day of Dec. 1899 that said child has been named Mabel Starr, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses)

Hannah Starr

Subscribed and sworn to before me this 17" *day of* May 1901.

J. P. Bledsoe
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Mariah Whitmire, a midwife, on oath state that I attended on Mrs. Hannah Starr, wife of Charles Starr, on the 8" day of Dec, 1899 that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Mabel Starr

Mariah her X mark Whitmire

WITNESSES TO MARK:
(Must be Two Witnesses)

W Barnes Whitmire
Benjamin Howe

Subscribed and sworn to before me this 17" *day of* May 1901.

J. P. Bledsoe
NOTARY PUBLIC.

C-L N. 7934

20

IN RE

Application for Enrollment of

INFANT CHILD

Lone Star,

as a citizen of

Cherokee Nation.

Approved, MAR 28 1902 190

Commissioner.

TH AFFIDAVIT. 1 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE *Application for Enrollment*, as a citizen of the Cherokee Nation,

of Leone Starr (Here insert name of child), born on the 18 day of Feb, 1902

Name of Father: Charley Starr, a citizen of the Cherokee Nation.

Name of Mother: Hannah Starr, a citizen of the Cherokee Nation.

Post-office, Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Cherokee District.

I, Hannah Starr on oath state that I am 28 years of age and a citizen, by birth, of the Cherokee Nation; that I am the lawful wife of Charley Starr, who is a citizen, by birth, of the Cherokee Nation, that a female child was born to me on the 18 day of Feb, 1902 that said child has been named Leone Starr, and is now living.

Hannah Starr

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 6 day of Mar 1902

J. W. Blair
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

~~UNITED STATES OF AMERICA~~, INDIAN TERRITORY. ~~District.~~
State of Kansas ss
LaBette County

I, J. J. Dobson, Physician, on oath state that I attended on Mrs. Hannah Starr, wife of Charley Starr, on the 18 day of Feb. 1902; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Leone Starr

J. J. Dobson M. D.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10 day of March 1902

Nov 15th 1905

D. Hacker
NOTARY PUBLIC

20

1477

IN RE

Application for Enrollment of

INFANT CHILD

Lerta Stur

as a citizen of

Cherokee Nation.

Approved MAR 28 1902 190

Commissioner.

TH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Leola Starr, born on the 18 day of Feb, 1902

(Here insert name of child)

Name of Father: Charley Starr, a citizen of the Cherokee Nation.

Name of Mother: Hannah Starr a citizen of the Cherokee Nation.

Post-office, Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Hannah Starr, on oath state that I am 28 years of age and a citizen, by birth, of the Cherokee Nation; that I am the lawful wife of Charley Starr, who is a citizen, by birth, of the Cherokee Nation, that a Male child was born to me on the 18 day of Feb 1902 that said child has been named Leola Starr, and is now living.

Hannah Starr

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 6 day of Mar, 1902

J. W. Blair

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

~~UNITED STATES OF AMERICA,~~ INDIAN TERRITORY, District. State of Kansas ss Labette County

I, S. J. Dobson, a Physician, on oath state that I attended on Mrs. Hannah Starr, wife of Charley Starr, on the 18th day of Feb, 1902, that there was born to her on said date a Male child; that said child is now living and is said to have been named Leola Starr

S. J. Dobson, M.D.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 10 day of March 1902

Nov 15th 1905

G. W. Reasor

NOTARY PUBLIC

32 N D 346

IN RE
THE DEATH OF

Leone Starr

a citizen of the

Cherokee *Nation.*

Approved August 12 1904

Commissioner

RECEIVED
AUG 12 1904

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Leone Starr (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Warner (Here insert name of post office), Ind. Ter., and died on the 12 day of

February 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Charles Starr, on oath state that I am 43 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Warner (Here insert name of post office) Ind. Ter.; that I am father (State relationship as the father, an uncle, a cousin, etc.) of ~~Cherokee~~ Leone Starr (Here insert name of deceased), who was a citizen, by adoption, of the Cherokee Nation; and that said Leone Starr (Here insert name of deceased) died on the 12 day of February, 1903

Charles Starr

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 6 *day of* August 1904

Daniel Foreman.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I am

~~years of age, and a citizen, by~~ , of the Nation;

that my post office address is (Here insert name of post office) Ind. Ter.;

that I was personally acquainted with (Here insert name of deceased)

who was a citizen by , of the Nation;

and that said (Here insert name of deceased) died on the day of

, 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... *day of* ..... 190.....

Notary Public.

Cherokee Freedman D 346

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRI ES.

In the matter of the application for the enrollment of Hannah Starr et al., as Cherokee Freedmen.

-:--

O R D E R .

THE RECORDS O THIS OFFICE SHOW: That on May 17, 1901, Hannah Starr, nee Whitmire, appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and made application for the enrollment of herself and minor children, Minerva, Theodore and Mabel Starr, and her husband, Charley Starr (the said Charley Starr's rights to Cherokee citizenship will not be considered in this order), as Cherokee freedmen. Thereafter, on March 20, 1902, there was filed with the Commission an affidavit showing the birth on February 18, 1902, of Leone and Leota Starr (twins), children of the said applicant, Hannah Starr. It further appears that all the above named applicants were listed for enrollment on Cherokee Freedman Doubtful card No. 346.

THE EVIDENCE IN THIS CASE SHOWS: That the said Hannah Starr, nee Whitmire, was born in the Cherokee Nation about the year 1872, has continuously resided in said Nation since birth, is identified on the Wallace roll and the Cherokee Census roll of 1893, and is a daughter of (Little) Rose Whitmire, deceased, and Maria Whitmire, both of whom are identified on the authenticated Cherokee tribal roll of 1880, page 198, Cooweescoowee District, Numbers 3177 and 3178, respectively; and that the minor applicants herein are children of the said Hannah Starr, nee Whitmire,

were born since 1890, and have continuously lived with their mother since birth.

The said Maria Whitmire is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on January 16, 1903, opposite No. 2069.

IT IS THEREFORE ORDERED: That the enlistment for the enrollment of the applicants, Hannah Starr, Minerva Starr, Theodore Starr, Mabel Starr, Leone Starr and Leota Starr, on Cherokee Freedman Doubtful card No. 346, be cancelled, and that said applicants be listed for enrollment on a Cherokee Freedman straight card.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this AUG 26 1905

File with F.D-620.

F.D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21,1902.

In the matter of the application of Jack Starr for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Lewis T.Brown, representing Mellette & Smith,for applicant;
W. W. Hastings for Cherokee Nation.

MR. Hastings: The Cherokee Nation asks that the testimony filed by the Cherokee Nation in the case of Ed Wright, D-818, also in the case of Aaron Webber, D-216, also in the case of Elizabeth Meigs, D-391, together with the supplemental testimony of Reuben Sanders in the case of Elizabeth Meigs, be filed with and made a part of the record in this case.

Commission: This testimony will be filed with and made a part of the record in the case of Elijah Starr et al, D-900, as well as in the case of Jack Starr, D-443, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to be fore me this 3rd day of July, 1902.

(Signed) P. G. Reuter,

Notary Public.

(SEAL)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above is a true and correct copy of the proceedings in this case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 19th day of August, 1902.

Bruce C. Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced, by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '66; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 30 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry the last time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you say other than him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross' party going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire, do not?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hyden? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have saw him ever since I have been home. I dont think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Hosmon.

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1908.

In the matter of the application of Edward Wright for enrollment of himself as a Cherokee Freedmen.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed on the 26 of June. 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Clairant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during he war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and so therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
By W. P. Boudinot, Atty."

June 26, 1878.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 279, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 31st or 2nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. The came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kans s when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Hose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom es. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of assistance. As I was coming down the first time we were overtaken by the Honchee Delegation. They were sore who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me. He could read.

I do not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first care down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs)
Cherokee Nation.) August 1, 1878.
) Bluford Alberty, witness for claimant, called and sworn.

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the east side of Grand River, Coowescoowee District

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Virdigris. While out I fell in with a party of seven or eight persons who were with others near Sam Crouches. I did not go to the camp. were colored people. I knew most all of them. Their names Sam Webber, Aaron Whitmire and a younger brother and Lewis

There was another person whom I was told was a Landrum. no recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron belonged to George. In conversation with Sam Webber he asked me I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason of Major Wright did not come was that he was an old man, but what chance there was to get provisions over on the him there was none there, but that there was a lot of at Gibson and if they would go there they would He also represented that they had come down to who had remained in Kansas, to build their houses stated that they were notified to come, and that they come to make claims for themselves and the other that behind in Kansas. As near as I can recollect it was October or November that I saw these parties. It was not cold weather at the time. I recollect as I camped out not see any of these parties after this time May 1867. There no provisions to be had in this country at that time. were very scarce. It was my understanding that they prepare homes for themselves and families. They told me least. Major Wright belonged to Cornelius Wright before

Cross Examined.

I heard after this some of them went back to Kansas. time I meet them I do not know whether their families I think I seen Dennis Whitmire with this party, of having Dennis or Nelson. I know there was four of boys. They were owned in the Nation and resided here Breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or at the close of the war.

She was living with me then and still Landrum was one of the band above referred to, also I learned from our leaders Uncle Mike and delegates advised us to settle in a compact body lands. We crossed the Neosho in coming down at 1867. The chief ferryman who crossed us was Bill

While on Lightning Creek in 1866 I saw Mr. conversation wih him, but Sam Webber had in my

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Helgs, Bill, Peterson, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Mariah, Nelson and Aaron were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Mike Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. They went back 1st January 1866 to Kansas after coming to the Nation. That witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Helgs and the families of those who had families all came as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Parliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at to close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war, Louis Whitmire had been back to the Nation before 1866.

his
Jose.Whitmire.
Mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission to the Five Civilized Tribes at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his claim, to wit-

Claimant is a colored person and claims under the [illegible] privilege of the fifth specification of the clause of the [illegible] preferred by law to the Commission to examine and decide claims by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and [illegible] in this

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Nation. After the beginning of said war claimant moved to the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to return to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Campbell.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother Lewis, never knew Aaron until I meet him at the ferry. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Helgs, Mike Sanders, Sam Webber, and Young Scott, Bill Foreman and others but Idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott. Mose. They were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason of their coming was that the Cherokee Delegation had been invited to come back under the treaty. They mentioned Jim McDaniel as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October 1866. I am positive it was before Christmas at I left there at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the parties named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the ferry

I crossed them over the river. I met some of this same party back over the river a short time after they had come in, Levia, Nelson and Dennis Whitmire and little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I met them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Wm. McCracken.

Attest:
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in the unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

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The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighbourhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 and this colored party who settled on Big Creek afterwards on the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the home of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties in Arkansas looking from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding Wild Cattle. I traveled [illegible] in that neighborhood at that time spoken of.

"Continued on page 953."

[illegible] Whitmire et al) July 26th 1878.
)
[illegible] Nation.)

John Riley,
Sworn as witness for Delt. I live in Cooweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the fall of 1865 to the Nation. I know Aaron Whitmire. He [illegible] on the Virdigris River to live in the month of March [illegible] at the same time set a help, like farmers, [illegible] with their families and others when I [illegible] [illegible] made a home that spring in 1867 on an old [illegible] [illegible] He had settled no other place before that.

Cross Examined.

[illegible] now of any colored heads of families coming to [illegible] south of Verdigris in 1866 to locate homes but I [illegible] Sept. '66 for that purpose. I know where [illegible] lived at this time. I [illegible] Coody's Bluff [illegible] on the west side of the river. Claimants lived [illegible] on the east side of the river. If any heads of [illegible] I never heard of them. I never knew of [illegible] in the part of the country in 1866 in the [illegible] Sept. 1866. Aaron Whitmire was not along but [illegible] Coody, Bob Vann, Colbert & perhaps Billy Rogers. [illegible] along. Louis was not along as I know of nor Martin [illegible] [illegible] Whitmire that I know of. If any such [illegible] in Dec. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley. [illegible]

About the mid'le of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of he Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of he convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 8th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1908.

(SEAL)

(Signed) P. O. Peuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 18th day of Aug., 1908.

Bruce G. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~xxxx~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Tahie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q How is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '65? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives ~~xx~~ at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is,. because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May,1901.

C. R. Breckinridge,

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T, October, 29th,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A Today.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedm in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original--

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Francis E. Leupp

Notary Public.

Joe Ross (Sup'l) 5 (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there?
A Yes sir.
Q Do you know that young Sam Wober, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. HAY: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in'66? A About 13 years old, September 6, 1866.
Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know what day he left there at all.
Q Did you have the opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the Creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1866 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course well now do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the Fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q What young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two?
A Yes, sir; I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir; of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man. I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Wasn't much difference in the ages: than he if I am not mistaken? but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did: they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in left were located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1866? A I know they were there in '66.
Q You don't know what time in '66 they were there? A They were there before '66.
Q Well I am talking about'65 were they there in the spring of '65?
A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say as it was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir. I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q Where was Sam Webber during the winter of 1365 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now, about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give?
A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicks, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post office? A Mantay.
Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q Were you living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was in October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7,1864:"? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866" A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living?? A Yes, sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several time, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chiora? A Yes, sir.
Q How I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, [illegible] left Duncan with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, of or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Jy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walked owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few moths or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes, sir.
Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I dont want to meddle with. I didn't come down here to mistalke or anything about it; I want to tell the truth as far as I know.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think he worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one.
A Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '67.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it. He brought me back some wood and sassafras root.
Q Do you remember young Sam bringing some hides in to the community?
A No sir, I didn't charge my mind with anything like that.

Q Would now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall time you testified about; I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, on that one, Joe Webber that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the right one here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where the old man Sam Webber was in July '66 do you?
A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

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JANE SPEARS, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A - Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old
Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wonttbe positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer of fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any thime off of a trip except the time he came back with his father? A He went to Fort Scott I guess,I never tried to keep any trace of his whereabouts
Q Now what makes you think it was February or March of '67 that them people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q These darkey boys? A The Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people them is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.
BY MR. HASTINGS:
Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

Joe Ross (sup'l) 15

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

... be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross C.F.D. 350,

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 872, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 972, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the ... lment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Roos? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house A He had been working on Snow Creek he claimed and he was on his wa hunting his sister.
Q Did you ever see after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q [illegible] Choctaw Nation? A Yes, sir.
Q Was he married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did you ever see any children when you saw him? A I never saw them as he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married? I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year or about after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along there, I throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was singls, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas, I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B. C. Jones
Notary Public.

Mike with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 2nd 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old soldiers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1857? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2079, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

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the Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 132, No. 2748, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 331 No. 2748, Elizabeth Meigs, Coowweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down [illegible] Christmas.
Q [illegible] you down? A In the winter after he went from here [illegible] his home.
Q [illegible] part of you then? A Yes sir.
Q [illegible] leave Kansas? A I cannot tell you when he [illegible]
Q [illegible] Kansas before Christmas? A Yes sir he came here in the [illegible]
Q [illegible] Kansas in the winter? A Yes sir.
Q [illegible] before Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come to here? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q You came after Christmas before you and he started down here to-[illegible]? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir [illegible]
Q What members of your family came down with you and your husband?
A Those children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

[illegible] Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell [illegible] what you had in Kansas? A Yes sir what little we had, we never [illegible] much to sell.
Q [illegible] living in Kansas then? A Fort Scott.
Q [illegible] time did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got [illegible] we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there waren't no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man [illegible]
Q [illegible] A Barbon Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now.
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q Those that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house ? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Oseges? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Heigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my men enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my men went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

REUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant, (Examined by the Commission).

Q What is your name? A Reuben Sanders.
Q How old are you? A I suppose I am to out 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Cooweescoowee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Ocokalita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Goosenack Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q That a few years after the war? A Yes sir.
Q In '71 was it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir
Q About so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long; after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time?
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyound my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moss and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Parr, and I dont know who else, I dont know who all came.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lived? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some would and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand that, we come here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commissioner:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Mr. Stevens:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I wouldx not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commissioner:

Q Did old man Sam Webber come? A Yes sir.
Q Did young man Sam? A Yes sir.

By W. W. [illegible]:

Q Dont you remember any one else? A Rachel Webber.
Q [illegible] think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may ha e.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What man was with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~xxxxx~~ further inquiry upon this point, and if possible to get an official copy of the record.Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

##########

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May,1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-591, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Fineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy I guess called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes,sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

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Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
By Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
By L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-393, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy. Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

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Supl.-C.F.D.#

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad came through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined whether the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1871 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here: never was out except during the war

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Notary Public.

Supl.-C.T.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here: never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

T B Needles
Notary Public.

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F. D. 791.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the preset time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of thispaper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Rigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

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suspicion was at once directed to Hackley and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Hackley were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Brodie, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, [illegible] Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Penfield and B. F. Hosler had a post-mortem examination, and testified that they found four pistol or [illegible] on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach, [illegible] liver, in the side of the back. This wound could not have been made if the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above [illegible] and about an inch and a half apart - one ball passing [illegible] out below the left shoulder, the other ranging downward, [illegible] found close to the spinal column, a few inches below. The fourth ball entered on the left side of the body. The fourth ball entered [illegible] part of the chin, not fracturing the bone, and lodged [illegible] shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds [illegible] body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's [illegible] ing, just after six o'clock, came on horseback, [illegible] the door, went in and found Hayford alone and [illegible] Will Hackley, colored, was standing on the walk when I [illegible] Hayfords; a sack of flour was standing on the box at [illegible] I went in; Hayford came out and the flour was [illegible] was there when I came in, and I told him; asked me to get on my horse and follow Hackley and see if he had the flour; did so; rode very fast and overtook Hackley at the hill, going toward the mill; he had stopped and the sack of flour was on the [illegible] coat was off and thrown over the flour but the end of the sack in sight; I rode close to him; he put his [illegible] was blowing; right smart; I inquired if he had [illegible] rope on his neck; he said no; I rode back to Hayford's and told him Hackley had the flour and where it was; Hayford said [illegible] to get the flour, and asked me for my money; he got on and [illegible] the road; he had been gone a good while before I heard the [illegible] he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I [illegible] at Hayford's he had on a soldier's coat; it was off [illegible] him with the flour. Didn't notice that at any time whether [illegible] had any arms or weapons with him; saw him again after he was [illegible] short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I knew that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Byers to go with him to get the flour; from the place where I saw Hackley with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the Mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of the Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury reurned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Ali Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS. The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867.

"A Chapter of Horror!

[illegible] Captured and Lynched

[illegible] connected with the affair.

[illegible] community for the past week is completed with horrors enough to last well, for long days to come, overshadow the hearts of [illegible].

A few words must be published on account of the escape of Ali Mackey, the black fiend who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Thornton having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, and fell after [illegible] receiving a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, L.F. Filon and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down, no load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford. But having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed and that every moment this desperado was allowed to live [illegible] lives of our citizens. We learn that the house [illegible] burned to the ground. The sufferers from this [illegible] are among the best of our young men. As [illegible] for a portion of this city they have performed their duties [illegible] and brave to a fault, the death of one [illegible] creates a spirit of sadness that cannot [illegible] the body of Mr. Coe was brought into the city [illegible] funeral sermon by Mr. Irwin was escorted [illegible] followed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, [illegible] fell and hung possessed themselves of the keys took [illegible] and [illegible] on the brother who harbored the murderer [illegible] called charged with furnishing provisions and aid [illegible] men, to the ravine near the poorhouse and hung them [illegible] their lifeless bodies were found next morning. So [illegible] dare that few in the city except those who participated [illegible] it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q What's your name? A Benjamin Files.
Q Your postoffice? A Fort Scott.
Q [illegible] yes, sir.
Q [illegible] there at the close of the war? A [illegible]
Q [illegible] there in '66, December? A [illegible]
Q [illegible] Mayford? A Yes, sir.
Q [illegible] him before December '66. A Yes sir. I had known him in the middle fall of two years before that and knew him [illegible] time.
Q [illegible] killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the [illegible] who hill along in the mouth; yes, sir he was killed in the [illegible] about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him who was accused of killing him? A Yes, sir.
Q Who? A Wil Hackley.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon. [illegible]

Q Tint this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q You put him in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, fourth of February, both I think it was.
Q Of February following, of 1897? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, he was
Q He was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 30th of March.
Q From then about the 26th of February until the 30th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 30th of March? A Yes, sir.
Q [illegible] this Eli Mackey was reputed to be a Cherokee [illegible]? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q Then he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

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MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee freedmen cases: No. D-404, [illegible], D-401, D-402, D-404, D-407, D-775, and [illegible], the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes; he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1908.

(Seal)

(Signed) Philip G. Reuter.
Notary Public.

I, Arthur [illegible], stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and correct copy of the original now on file [illegible]

Subscribed and sworn to before me this 23rd day of July, 1908.

Bruce C. Jones
Notary Public.

19346

1902

F. 1-348.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Charles Starr et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-348.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony heretofore filed in the case of Freedman Doubtful 445 be introduced and made a part of the record in this case and also in the case of Freedman Doubtful 620.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

Notary Public.

COMMISSION TO BE CANCELLED THIS
FILED
AUG 6 1902

File with F.D-346. (Charles Starr)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., May 31, 1901.

In the matter of the application of Georgia Starr for the enrollment of herself, her husband, Jack Starr, and her four children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Georgia Starr.
Q How old are you? A Well, I don't know exactly how old I am.
Q Well, about how old? A I must be forty some odd; I don't know exactly.
Q What is your postoffice? A Centralia.
Q In what district do you live? A Coeweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Well, myself.
Q Have you got some children? A Yes, sir. (Hands paper to Commissioner)
Q You have four, have you? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q You want to apply for yourself, your husband and four children, is that right? A Well, yes, I guess that is all right.
Q That is all you have, is it? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life, as far as I can remember.
Q Give me the name of your father? A Ben Grimmett.
Q Is he alive? A Yes, sir, he is alive.
Q Give me the name of your mother? A Clarinda Grimmett.
Q Is she alive? A No, sir, she is dead.
Q How long has she been dead? A I declare I don't know. I reckon about 18 years or more.
Q Give me the name of your husband? A Jack Starr.
Q How old is he? A I don't know; he must be about sixty something; I don't exactly know.
Q Where is he now? A He is out here to the camps.
Q How long has he lived in the Cherokee Nation? A All his life, I guess.
Q Do you know the name of his father? A No, sir, I don't.
Q Do you know the name of his mother? A No, sir, I have heard him call her name several times, but I don't remember his name. He is around here.
Q When were you and he married? A Well, I declare I don't know, Mister, he can tell you more about it than I could.
Q Is your oldest child Walter? A Yes, sir.
Q How long before Walter's birth were you married? A About two and a half years.
Q Walter is 17 is he? A Yes, sir.
Q You have been married nearly twenty years? A Yes, I guess it has.
Q Were you ever married before you married Jack Starr? A No, sir.
Q Was he ever married before he married you? A Yes, sir.
Q How many times was he married? A Only once.
Q Who was his first wife? A Charlotte Mayes.
Q Was that wife dead when he married you? A Yes, sir, she was dead.
Q Was she a Cherokee Freedman? A Yes, Cherokee Freedman.
Q She died before you and Jack Starr married? A Yes, sir.
Q Give me the names of your four children. The eldest one is named Walter Starr? A Yes, sir.
Q He is 17 years old, is he? A Yes, sir.

Q The next one, Herbert? A Herbert Starr.
Q He is 13, is he? A 13.
Q The next one is? A Earmy.
Q Earmy is 9? A Yes, 9 years old.
Q The next one? A Mark.
Q He is four years old? A Yes, four years old.
Q Are they all living now? A Yes, sir.
Q Did you have a brother named George? A No, sir, I am the only one; they called me George and Georgia.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 108, No. 1216, George Grimmett, Coowescoowee District.

The applicant's husband is not identified on the 1880 authenticated roll.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants notfound thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kerns Clifton roll examined and the names of the applicants are found thereon as follows:
Page 10, No. 247, Georgia Starr, Coowescoowee District.
Page 140, No. 3489, Jack Starr, Coowescoowee District.
Page 10, No. 248, Walter Starr, Coowescoowee District.
Page 10, No. 249, Herb Starr, Coowescoowee District.
Page 10, No. 250, Erna Starr, Coowescoowee District.

JACK STARR, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jack Starr.
Q How old are you? A To the best of my knowledge, I am about 66 this year.
Q What is your postoffice? A Centralia.
Q Are you the husband of the applicant there, Georgia Starr?
A Yes, sir.
Q About how long ago was it when you and she were married?
A Well, it's been about 19 years I guess now.
Q Were you ever married before? A Yes, sir.
Q What was the name of your first wife? A Charlotte Whitmore. She was a Mayes; he father was Mayes.
Q Was she dead when you married this wife? A Yes, sir, she was dead two years and six months.
Q I don't find your name on the roll of 1880 or the roll of 1896, cane you explain why you are not on the roll of 1880?
A Just because the Cherokees wouldn't put me on; they have been trying to lose us all they could.
Q What reason did they give for not putting you on? A I don't know; they didn't claim us.
Q How long do you claim to have lived in the Cherokee Nation?
A I have lived here ever since I can recollect.
Q Since before the war? A Yes, sir.
Q Were you a slave in the Cherokee nation when the war broke out?
A Yes, sir.
Q To whom did you belong? A Old Dr. Thornton, when the war broke out.
Q What was his full name? A John.
Q Dr. John Thornton? A Yes, sir.
Q Where did he live? A In Goingsnake District, in the east part.

Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir, I guess he was; he was an Indian.
Q Where did you go during the war - where did they take you? A They didn't take me anywhere; I took myself in the first Indian Regiment.
Q Where did you enlist? A I wasn't a soldier; I was a teamster and working for officers.
Q Where did you join the regiment? A I went into it when it started north.
Q Where was it? A By Lewis Ross' place somewhere.
Q Where did you go with them? A I went up north with them.
Q Up in Kansas? A They went there to Kansas; they went up to Drywood, twelve miles this side of Fort Scott and stayed a while and then they come back and went to Arkansas and the edge of Missouri.
Q Where were you when the war closed? A At Fort Gibson.
Q Were you there at the time you quit working for the regiment? A Yes, sir, that is where they disbanded and turned them loose; the Cherokees told them to go.
Q What year was that, do you know? A I think I am not very well posted in dates; I think it was '65.
Q What time of the year did they disband then? A Well it was along about the middle of the summer or spring; I disremember now.
Q Well, where did you go after you quit that regiment? A I went up into Kansas where my wife was.
Q She had been carried up there? A Yes, sir, by the government teams.
Q What did you do up there? A I didn't stay there very long. I worked around there at Fort Scott for a while until I got myself a plug of a team and come back to the Nation here.
Q Cherokee Nation? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir.
Q Was that your wife, Charlotte? A Yes, sir.
Q Well, when was that you brought your wife back? A That was along about the first of September or last of August, or somewhere along therein the year of '66, after I went up there. I went up in October in '65, and come back in '66.
Q Where did you locate when you came back with your wife? A Up on Big Creek in Coowescoowee District.
Q How long did you live there? A From that date until this.
Q Always lived at the same place? A Yes, sir.

By W. W. Hastings: Did you come back in a wagon? A Yes, sir.
Q Your first wife with you? A Yes, sir.
Q How many children did you have? A I had three at that time, I think. No, two I believe.
Q What were their names? A One was named Charlie and one was named Aaron and Peggie.
Q Were these children all born before the war? A No, sir, one was born in the time of the war. No, I am mistaken, two was born before the war and one in the time of the war.
Q Which one was born in the time of the war? A Peggie.
Q Where was she born? A She was born up there while I was down hr here.
Q Who came back to the country with you? A Well, there was old man Mayes' folks, Berry Ward.
Q What Mayes? A Dave Mayes.
Q Dave Mayes come with you, did he? A Yes, sir.
Q Who else come with you? A Sam Whitmire and Jesse Whitmire.
Q Anybody else? A Yes, sir, there was old man Berry Ward; he is dead now. There was several come along; it has been a long time to recollect these things. I told you once who came along with us.
Q I am seeing if you remember the same way this time? A I don't

keep no dates, and I can't recollect them all the time; I am trying to tell you the same I told you before.
Q You said before Dave Mayes was living in the Cherokee Nation when you came? A No, sir, I don't think I did.
Q You swear now that he come with you? A Yes, sir, he come with us.
Q What part of the Cherokee nation did you come to? A Come on the north part of this district up on Big Creek.
Q How far from the Kansas line did you settle? A I don't know how far; it is some ten or fifteen miles.
Q How far did you come from the place where you are now? A Not more than a mile.
Q You came to the same neighborhood? A Yes, sir, same place. I live right on the same place that I first improved.
Q How far did Will Martin live from you at thatt ime? A Who is that?
Q He is a Cherokee citizen? A He was in Kansas somewhere; he wasn't there when I come there.
Q You are positive about that? A Yes, sir.
Q Where was Jim Martin? A He was always somewhere, I don't know.
Q A few Osages were there? A Yes, sir, there were some Osages there; they stole horses from us.
Q They were the only ones beginning there at that time? A That is all I know at that time.
Q Were there a good many houses on Big Creek when you come? A Good many foundations and log houses; they were putting up some there; not very many.
Q Were Aaron Wright and Lewis Wright there? A Yes, sir.
Q Casesar Smith? A He came with me, Casesar Smith came with me.
Q How about Mike Sanders? A He was there when I come there.
Q Did he have a place? A Yes, sir.
Q A house? A Yes, sir, some kind of a log hut.
Q How far did he live from you? A About a mile I guess from where I am living now. He lived about one mile.
Q How long did you stay at Fort Gibson after you were mustered out of the service? A I wasn't a soldier.
Q After the others were mustered out? A I stayed around there- ~~xxxx~~ I left there about the first of October. I know there was a little frost. I went to Kansas with Tim Walker.
Q Cherokee Tim Walker? A Yes, sir.
Q Dick Walker's father? A I don't know; I guess it was his son.
Q You went with him? A Yes, sir, I rid up in his wagon myself and one of his boys was along; I don't know his name.
Q Whatdid you do up in Kansas? A I knocked around there, enough to get me a plug old team and get back; I couldn't tell you what I worked; one thing and another.
Q You worked long enough to get a team and wagon? A Yes, sir, I got an old wagon that lasted until I got down here.
Q You supported your family in the meantime also? A Yes, sir.
Q And you think you came here in August? A First of September or last of August.
Q You knew it wasn't later than September? A Yes, sir, I know it wasn't later than that.
Q Was Sam Weber already living down there then? A Yes, sir, he was living there.
Q Harry Still was there? A Yes, sir.
Q Lewis Wright? A Yes, sir.
Q These people had houses there when you come? A Harry Still didn't; they were down on the foot of Lightning Creek.

You are certain you never saw Will Martin? A I have seen him, but I never saw him when I come that year that I know of.
Q There were no Cherokees there then? A Dick Carter was down somewhere on the Verdi Gris, and a man by the name of Coker was there.
Q Cal Coker? A John Coker.
Q You built yourself a house right away after you come? A Yes, sir, as soon as I could; I lived in a camp a while.
Q From whom did you get provisions to live on the first year? A I fetched some with me, all I could; and where I could get it; once in a while a wagon would come in from Missouri, from Chetopa, hauling flour and a piece of meat to sell, and I would get hold of a piece once in a while.
Q From what place in Kansas did you say you come? A Up there by Fort Scott.
Q Did you come by way of Chetopa? A I come alittle west of Chetopa. I don't know whether there was any Chetopa there then; it was just starting; I didn't come on any railroad then, I am certain ofthat; there wasn't any railroad then.
Q You are certain there wasn't any railroad? A Yes, sir.
Q You are not certain whether there was any Chetopa, are you? A I am not certain; there was a little place at Oswego then.
Q Wasn't Chetopa your nearest trading point when you came to the Cherokee Nation? A Yes, sir, that was the nearest point, but I didn't have any previsions to get.
Q Didn't you say you were getting previsions? A There was a mighty little Chetopa there.
Q When did you go to Coffeyville first? A I don't know that there was a Coffeyville then there. There was a little town Centralia before I knew of Coffeyville.
Q That was the town that was incorperated there the last few years in where you are living? A No, not Centralia; they moved down and then made old Parker. There was two or three stores there.

Commissioner: Did you get out a Cherokee license when you married this wife, or did you just have a preacher marry you? A Just a preacher married us.

The applicant applies for the enrollment of herself,her husband and four children. The applicant is identified on the roll of 1880 and the Kerns Clifton roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman. Of her four children named in the testimony, the three older are identified on the Kerns Clifton roll. Her lawful marriage to her husband, the father of these four children, is established in a satisfactory manner; they are all now living. The first three will now be listed for enrollment as Cherokee Freedmen; and when she supplies the Commission with a certificate of birth of the youngest child, Mark Starr, this child also will be listed for enrollment as a Cherokee Freedman. As for the applicant's husband, Jack Starr, he states that he was a slave in the Cherokee Nation at the beginning of the Civil War, and that he has lived in the Cherokee Nation all his life, except a brief absence during the period of the war with the first Indian Regiment, and that he left the service when that regiment was mustered out in 1865, and that he was then with the regiment at Fort Gibson, Indian Territory. He claims to have gone to the State of

Kansas in a very short time, perhaps a few weeks after he left the service, for his wife and children; his wife at that time being his first wife who he states died before he married his present wife, and that he brought them back in the succeeding August or September of 1866, and that he has lived in the Cherokee Nation ever since. He did not marry his wife under a Cherokee license.

Q You married your first wife in slavery time, didn't you?
A Yes, sir.

Judgment continued.

And the only claim he makes to enrollment is of his own right. He is identified on the Kerns Clifton Roll, but not upon the roll of 1880, or upon that of 1896. For the further consideration of his testimony, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

Supplemental.

Examined by W. W. Hastings of Jack Starr continued:

Q These men who had houses, whose names you have mentioned in your testimony as being down there when you came to Big Creek, they had their families, did they? A Yes, sir.
Q Had Sam Webber put in a crop of corn that year? A Well, he might have had a patch of corn. They had a roasting-ear patch.
Q When you come? A Yes, sir.
Q All of them had small patches? A Yes, they didn't raise anything to amount to anything. I saw a patch around his house there.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) M. G. Rothenberger.

Subscribed and sworn to before me this 1st day of June, 1901.

(Signed) C. R. Breckinridge.

Commissioner.

Supplemental D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

Supplemental testimony in the case of Jack Starr for enrollment as a Cherokee Freedman.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Mellette & Smith, Applicant's attorneys,
and J. S. Davenport, Cherokee Attorney, present.

Q Give me your name? A Sam Webber.
Q How old are you? A About 58 somewhere about there.
Q What is your postoffice? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here and went out and come back in '66 and been here ever since.

MR. Mellette: Do you know the applicant, Jack Starr? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A He come in the fall of '66.
Q Who came first in the fall, you or the applicant? A We come a little ahead; he come a few days after we moved, he settled there by us.
Q Where has he lived since that time? A Right there where he settled.
Q Has he a farm there now? A Yes, sir.

J. S. Davenport: How did it happen that he didn't get on the 1880 roll? A I don't know.
Q You had a patch and was cultivating it when he come, didn't you? A No, sir.
Q Didn't you have a roasting-ear patch when Jack Starr got down there? A No, sir, didn't have no roasting-ear patch.
Q He was mistaken then if he testified that you had a roasting-ear patch when he come? A He must be. I never had one until the next year.
Q When did you come back down there, Sam? A In July, and went back and moved.
Q What year in July? A In '66.
Q You came down before the treaty was made? A Yes, sir.
Q And came back in what part of the year? A When we come to build, we left Kansas the latter part of July and stayed until August.
Q And stayed there until when? A We went back as soon as we could put up some shanties.
Q And come back in the fall? A Yes, sir.
Q Did you clear out any patch then? A No, sir.
Q Who was with you when you first come down there? A Russell Vann, my father, Mike Sanders, Reuben Sanders.
Q When this applicant came, who came with him? A Uncle Dave Hayes, Santa Ann Nivens and Caesar Smith and boys.
Q He came then some time after you came? Yes, sir, not a great while behind us.
Q Was Bill Martin living there on Big Creek when he came?
A No, sir, he wasn't there.
Q Where was he living when Bill Martin came on Bog Creek? A Right there where he made himself a place.

Q Has he been a recognized citizen up in that country or a disputed one? A Well, I couldn't tell you about that.
Q Well, you have been around that country and preaching; you know who are citizens and who are disputed? A I have seen them let him vote and sometimes they didn't let him vote.
Q Has he been disputed? A They call him a disputed citizen.
Q There are a great many disputed citizens up there who have farms, have they? A Yes, sir, they have farms there, some that are disputed.

Mr. Mellette: Are you on the roll of 1880 as a Freedman? A Yes, sir.

LEWIS WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Lewis Whitmire.
Q How old are you? A 62 years old as near as I know.
Q What is your posteffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A I never was out of the Nation.
Q Not during the war? A I have been living there all my life, growed up there?
Q Were you out during the war? A I was part of the time in the nation with the Cherokee army, and the other part in Missouri and Kansas driving teams.

Mr. Mellette: Are you on the roll of 1880? A Yes, sir.
Q As a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, Jack Starr? A Yes, sir, I know him.
Q Do you know when he returned to the Cherokee Nation after the war? A Why, I think so.
Q When did you see him in the Cherokee Nation after the war first? A The first place I seen him was up on Big Creek.
Q What time? A Why it was along in the fall of '66. I don't know exactly what time.
Q Where was that you saw him? A Up here on Big Creek in the neighborhood where he lives now.
Q Where has he lived since that time? A He has been living there all the time to my best knowledge. I have noticed him there all the time; I never knowed him to be out since that time.

J. S. Davenport: What makes you remember it was in the fall of '66 when you saw him up there? A Why it was called that year when he came there, that is the only reason I remember.
Q Do you know how long he had been there when you saw him? A I saw him when he moved in.
Q You don't know where he was living before that? A No, sir, I don't.
Q You don't know where he has been any other year, where he has been living specially since that year? A He never has been away since that.
Q Q How does it happen that he is not on the roll of 1880 if he came there in '66? A I can't tell you, sir.
Q He has been a disputed citizen all the time? A That's what he has I guess.
Q You understood that all along, haven't you? A I understand that.
Q That he didn't return in time under the treaty of '66? A Yes, sir.

Q And still you think he came back there in '66? A I am real positive he did.
Q Did he come when Sam Webber come? A He came along a little time after Sam Webber did.
Q Well, when did Sam Webber come, what year? A Sam come in '66.
Q Sam had a roasting-ear patch growing when this man come?
A Not that I know of. I lived ten miles from there.
Q Well iif this man testified that Sam had that patch, is it true or untrue? A I can't tell you; I wasn't there maybe at the time when a corn patch was made and growing.
Q Did Sam Webber come early enough in '66 to have a corn patch?
A Sam Webber come in the summer of '66.
Q He couldn't very conveniently had had a corn patch growing by the time this fellow got there? A I couldn't tell you about that, but I saw him.
Q You wouldn't swear positively as to what year it was, would you, Lewis? A Yes, sir.
Q Would you swear positively it was '66? A That was what everybody called it at that time.
Q What year was the Wallace roll made? A Well now sir you are getting away from me. I don't date nothing, and I don't recollect.
Q You know it was made at a certain time and you were interested in that at that time as well as you were interested in the '66 treaty? A I was put on the '80 roll, but I don't remember when that was.
Q What year was the Kern Clifton Roll made? A I think it was in '96.
Q But you think it is positive that it was forty years ago when this man come here? A Yes, sir, he come here in '66 when they called it over to me.
Q Did everybody call it to you? A Yes, they said it was '66.
Q Lewis, you don't belong to the Nelson Purrell's Protective Association? A No, sir, I don't.

Mr. Mellette: Now he asked you how this applicant didn't happen to be put on the 1880 roll, and he asked you if you don't know if it wasn't because he didn't get back here in '66. Do you know if anybody will say that he didn't get back here in '66?
A I don't, if they know as much about it as I do.
Q Do you know of anybody that would swear, or did you hear of anybody that would swear he didn't get back here in '66?
A No, sir.

J. S. Davenport: You were living there by him in '80, were you?
A Yes, sir.
Q And Sam Webber was living there? A Sam Webber lived close neighbors, and I lived ten miles.
Q Both of you knew about the facts as much as you do now?
A Of course we do.
Q Neither of you ~~[illegible]~~ swore for him before the Kerns Clifton Commission? A I didn't.

Commissioner: Did you ever give evidence for this man, Jack Starr, at any time when he was trying to get on the roll? A No, sir, I don't think I did.
Q How does it happen that there were so many living there who knew he had come back and yet let him stay under the cloud of a doubtful citizen? A We couldn't put a man on the roll. We had nothing to do with the books.
Q Couldn't you have given evidence? A We might if they had called on us; they never called on us.

Q You were never called on to give evidence? A No, I never was called on; I could have give it the same as I am giving in now.

Mr. Mellette: Isn't it a fact that when the '80 roll was made, the Cherokee citizens passed around through the country and in many instances failed to call on people for evidence as to whether they came back in time or not? A Well, I don't know whether they did that or not. I know they failed to put them on because they had them already enrolled as doubtful citizens in that year when they made the '80 roll. They were already enrolled.
Q Who took the '80 census for the Freedmen in behalf of the Cherokee nation up in your country? A Up in my neighborhood. I know the man well.
Q Who was that? A Dick Duck and John Hicks.
Q Dick Duck is a Cherokee who talks pretty fair English?
A Yes, sir.
Q He is almost a full blood? A Yes, sir/
Q He lives down to Catoosa? A Yes, sir, he is the man that took my family down; he and John Hicks.
Q And Dick Duck is the man that came to your house? A Yes, sir.
Q Was John Hicks up in that country at all? A John Hicks was with him when he come to my house; they ate dinner with me.
Q Do you know whether Dick Duck is an educated man or not- can he write? A I don't know whether he can. I am not well acquainted with him about that.

J. S. Davenport: You know as a matter of fact that when any parties were missed in 1880, that there was created a revising committee to perfect that roll and put them on in 1880? A I don't know that Mr. Davenport; there might have been.
Q Do you know Moses Whitmire? A Yes, sir.
Q Do you know that Moses Whitmire and his family were added by the revising committee and that the 1880 roll shows it if you had examined it? A I never examined it. I can't read. I would have to have somebody examine it for me, and I never had anybody to examine it for me.

J. S. Davenport: I want to show that Moses Whitmire and others had been added by the revising committee in 1880, which relates to Moses or Martin Whitmire.

Mr. Mellette: I think that would be a very peculiar proceeding. There is no law for a revising committee, and it is immaterial in this case.

Commissioner: There may have been a revising committee and it is recalled in a general way at this time that in a number of cases names were added to the roll of 1880 by the revising committee. This committee may have had power before the final adoption of the roll to both add and strike off names , and the name of the committee would indicate, but the existence of such power on the part of the committee would not of itself be of material consideration as to the rights of a claimant under the treaty of 1866, but whose name does not appear upon the roll of 1880.

Commissioner: Now Lewis Whitmire, when these people who were taking the census of 1880 came around to put you on the roll, what did they ask you, what did they do to find out whether you were entitled to go on that roll? A Why they just asked me if I was recognized by the Cherokees, and I told them, yes, and I supposed they knew I was recognized by the roll, but they didn't put one of my family on; they left my eldest child off,my step-child;

I raised right in the house with me. I married her mother when she was a little over two years old; she wasn't at home; she was working out and they never did put her on the roll.
Q Now was that child's mother a Cherokee Freedman? A Yes, sir.
Q Had she been a slave? A Yes, sir.
Q What reason did they give for leaving that child off? A Why she wasn't at home, and I suppose they thought she was grown; she was fourteen going on 15, and they thought she was grown. Dick Duck told me afterwards he thought she was a grown woman. When they went to my brother's she was working, and they didn' t put her on, and I suppose if she had been at home they would have put her on the roll, but she wasn't there, and I made a statement to him when they went away, and they said they would put her name on when they got to my brother's, and she went to another neighbor's and they never did put her on.
Q Did they ask you that time what year you came back from Kansas? A They asked me if I was recognized, and they opened a book and that was all.
Q Now this man, Jack Starr, had he been treated as a doubtful man before that? A Yes, sir, I suppose he had.
Q Had you heard before that th at he had been called doubtful? A I heard that before the election. I heard he was a doubtful citizen one year before that at an election time, and I can't tell how far before that.
Q Had they ever bothered you before that about voting? A No, sir, they never did after they recognized me in the Supreme Court, but they did one or two years before I went to the Court and proved my right.
Q That was before the roll of 1880, was it? A Yes, sir.
Q So you had gone to the courts and proved your rights? A Yes, sir.
Q Did you tell the enrollment officers that? A No, sir, they knowed it.
Q Well now, do you know whether Jack Starr ever went there to prove his rights? A No, sir, I don't.

J. S. Davenport: What was the name of that step-daughter of yours? A Lizzie.

Commissioner of Applicant, Jack Starr: Did you ever apply to the Cherokee Court up at Tahlequah to have your rights as a Freedman recognized? A I went once when Bob Daniels had a court after they took about a paper, and it didn't say anything about colored or Indian; and it said "Come and prove your right."
Q You went up there? A I went up there on horseback.
Q What did they do when you went up? A They laughed at us and said for us to go back and go to work.
Q Do you remember when Lewis Whitmire went up there to have his rights proved? A Yes, sir, there was another court sitting. I believe they called it the Chambers Court.
Q Did he go after you or before you did? A He went after I did; he went to the Chambers Court; they admitted him.
Q Well, you didn't go back to the Chambers court? A No, sir.
Q So that is all you had to do with courts about the business? A The second chief, Bill Penn Adair, I believe, when I went down here, they said to go to the government they freed you, go to them.
Q Well you didn't stop at that, you went to the court and found out they weren't dealing with colored people? A Yes, that was the same time; he was in the same house there at Tahlequah and we came back home.

Mr. Mellette: Well, Jack, how long had you been free at that time? Well, it must have been- I don't know exactly; it must have been four or five years, or three or four.
Q Did you know anything about business muvh? A No, sir.
Q Had you been raised to understand anything about courts?
A No, sir.
Q Are you able to read and write? A No, sir.

J. S. Davenport: Well Jack, you come back with Sam Webber to the Cherokee Nation after the war? A No, sir, I come alittle after he did.
Q Do you know whether or not Sam Webber applied to the Bob Daniels' Court to establish his rights as a Cherokee Freedman?
A Well there was thirty or forty of us. I believe the old man was along.
Q Don't you know that Sam Webber and his family and Johnson Webber and Charles Campbell applied to the Bob Daniels' Court at the time you went down there, and they were all admitted and you didn't make no application or was rejected if you did apply?
A No, sir, they applied, but I don't think----I think they did like I did.
Q Don't you know they applied and were admitted by the Bob Daniels' Court? A No, sir.

Commissioner: Did this man go the same time you did? A There was some of them went. I aint certain whether Sam Webber went. I think old Sam Webber was along. I forgot about Sam, and I don't know about this man or not.

J. S. Davenport: Was Johnson Webber along? A I don't remember.
Q Or Harry Still, was he along? A I don't know whether he was along. I know Mike Sanders xxx was along, Caesar Smith, a whole lot of them was along.
Q Do you remember what year it was that you went down there to that Court? A No, sir, I don't.
Q Was it a few years after you come back to the Territory?
A Yes, sir, it wasn't more than one year or two years.
Q A short while after you came back? A It might have been three.
Q Have you no recollection; you live in the Webber neighborhood- did you hear of them talking about their going down there and proving their right? A No,,sir, I know they went down there a time or two. Old man Webber, they owned him down there somewhere, and he went down among the full bloods and around in there.

LEWIS WHITMIRE recalled and examined by Commissioner:
Q Did Jack Starr go to Tahlequah the same time you went there to get your rights proved? A No, sir.

Commissioner of Applicant: Did you go with old man Sam Webber?
A Yes, sir.

J. S. Davenport: Didn't old man Sam apply and his family and Johnson Webber? A Well I couldn't tell.

Commissioner: Did this Sam Webber who testified in your case, did he apply the same time you did down at Tahlequah? A Well I aint certain whether he was in that crowd, but he applied to the Chambers' Court, I think.
Q Is this the son of old Sam? A Yes, sir.

Mr. Mellette of Applicant: Did the tell you to bring your witnesses and prove that you had come in in time to be a citizen? A No, sir, they didn't. They told us at that Court to go home and go to work; they were not calling for niggers; we didn't want you; that is what they said.
Q You didn't know anything to do but to go home? A I didn't know anything else to do but to go home. I didn't have much of a home to go to.

J. S. Davenport: Well they didn't tell old Man Sam Webber to do that; they didn't tell him to go than? A If he was in the crowd they told him.
Q Was he in the crowd? A One of the Sam Webbers was along, I think; Mike Sanders and Caesar Smith; there were thirty or forty of us and they told us all to go back.

MOSES WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your full name? A Moses Whitmire.
Q How old are you? A Why I am seventy some odd years old--75 I expect.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A Well, I lived in it all my life.
Q Are you on the roll of 1880? A Yes, sir.

Mr. Mellette: Mose, where were you when the 1880 roll was made? A I was on Lightning Creek.
Q Who took the census for the Cherokees up there? A John Hicks and Dick Duck.
Q Did they put all of your family on the 1880 roll? A No, sir.
Q How many did they leave off? A Two.
Q Which ones? A Ed Wright and Melissa Ratliff.
Q Were they members of your family? A There was my wife's niece, Melissa was, and Ed was my wife's son. I brought them with me.
Q Where from? A From Kansas.
Q You brought them when you came? A Yes, sir.
Q Had their parents been slaves? A Yes, sir.
Q And youx brought them with you when you came from Kansas? A Yes, sir.
Q You are on the roll of 1880? A Yes, sir.
Q Did you give them their names? A Yes, sir, I gave their names in.
Q Did they take them? A Yes, sir, they took them all right.
Q But they were left off? A Yes, sir.
Q Where are these people now? A They are here.
Q On the ground? A Yes, sir.

J. S. Davenport: Mose, there has never been any controversy about your return in time under the treaty, has there? A I don't know thatthere has.
Q Did you ever go to any of the Courts to prove that you returned in time? A Yes, sir.
Q You proved up,did you? A Yes, sir.
Q When John Hicks and Dick Duck came to your house, did they refuse to list any of your family? A Yes, those I told you about.
Q You say they took the names? A They took the names, but they are not on any roll.
Q They listed them and never questioned anybody about their rights to be enrolled? A Not at my house.

Q They didn't question you that these two children were a part of your family, did they? A No, sir, didn't say anything about it.
Q In fact, Mose, didn't the Freedmen like yourself and Lewis Whitmire furnish them with reference to those that had been decided against by the Court and held not to be Freedmen who had not returned in time? A No, sir, we went to all the Courts.
Q But you didn't apply to any but the Bob Daniels' Court?
A I applied to the Chambers' Court; that is where we got our rights. The Bob Daniels' Court wouldn't have anything to do with us.
Q You had no trouble of proving up, Mose? A No, sir, I didn't have no trouble.

Mr. Mellette: You went to the Bob Daniels' Court and he told you he wouldn't have anything to do with you? A He told us to go back home; they said they weren't working with us; they were working with Cherokee Indians.
Q Then when you went back to the Chambers' Court, who did you go to see? A We went before John Chambers. I forget who they all were.
Q Did you have a lawyer? A Yes, sir.
Q A Cherokee lawyer? A Yes, sir.
Q Who was it? A Old J. P. Boudinot.
Q He took you in before the Court? A Yes, sir, and got us a certificate that admitted us.
Q Well suppose a man didn't have anything to employ a lawyer when he got there? A Well, I don't know what about it.

J. S. Davenport: Was Joshua Whitmire any relation to you?
A Yes, sir.
Q Didn't he apply to the Bob Daniels' Court and was admitted?
A I don't know what Court admitted him.
Q Have you been living in the neighborhood that he lived? A Not at that time; he was living at Tahlequah at that time.
Q He applied to some Court and was admitted? A Yes, sir.
Q You know Sam Webber applied to the Bob Daniels' Court and was admitted? A No, he wasn't admitted because we were all together and we left together, and they might have gone back, and I went down to Sam Webber's and a whole lot of us.
Q Who else besides Sam Webber? A I don't know mike who all.
Q Was Johnson Webber along? A I don't know.
Q Was Charles Campbell along? A No, sir, he wasn't along.
Q You did go with Sam Webber? A Yes, sir,; Mike Sanders.
Q And you don't know whether Bob Daniels' Court admitted him or not? A No, sir; I know they were admitted by some Court; they didn't do it at that time.
Q You know what Court admitted them, don't you? A No, sir, I don't know.
Q You have been the trustee for the Freedmen of this country in all the litigations, haven't you? A I have for years.
Q And you know all about the Freedmen? A I don't know them all, I know some.
Q You have known Sam Webber for years? A I have known him all my life.
Q And then you don't know what Court admitted him? A No, sir, I never inquired about it.
Q But you went with Sam Webber to the Bob Daniels'Court? A Yes, sir and I went into the Chambers' Court.
Q Did Sam apply to the Chambers' Court? A I don't know; we went right on ourselves.

Mr. Mellette: Did you put up any money when you went down there to your lawyer or to the Court? A O, no, sir, we paid our lawyer for his services.
Q How much did you pay him? A I believe I gave him a horse. I paid him for my cases, for the two cases; there were three cases, four with my wife.
Q You never made any headway until you did get a lawyer, did you? A No, sir, I didn't.
Commissioner: Did Jack Starr go with you any time to the Court?
Q Well, I guess Jack Starr was along the time we went to the Bob Daniels' Court.
Q Do you remember it? A Yes, sir, I remember it.
Q Did you get any satisfaction out of the Court that time?
A No, sir, I didn't.
Q It was afterwards that you went to the Chambers' Court, was it? A Yes, sir, afterwards.
Q Did Jack Starr go with you? A No, sir.

J. S. DAvenport: I would like to offer that part of the minutes in the Sam Webber case found on page 64 of the Minutes of Special Court of Commission of the Supreme Court of 1871.
Mr. Mellette: I object to that because the action of the report in the Webber case is not material in the case at bar. I desire to object to the introduction of that because it is not a proper authenticated proceeding of that court, and because the introduction of the admission of Sam Webber is not material in the case before the Commission.

Commissioner Breckinridge: I would like to ask the representative of the Cherokee Nation if this journal of the Court was kept by the order of the Court and approved at regular periods of the Court.
J. S. Davenport: It was kept by the Clerk of the Supreme Court; had the power to hear nad determine these character of cases by the Supreme Court, and the Clerk of the Supremem Court kept the record.
Commissioner: But the point I want to inquire about is whether that record kept by the Clerk was by the order of the Court.
J. S. Davenport: Yes, sir.
Commissioner: And if the record is approved at stated periods by the Court.
J. S. Davenport: No, sir, they required the Clerk to keep it as the proceedings were had.
Commissioner: But it wasn't approved by the Court? A No, sir, he was told to keep a correct journal of the proceedings of the Court.
Commissioner Breckinridge: The Cherokee Counsel is desired to supply the Commission with the book of minutes of the Special Court of Commission, Supreme Court, 1871, when they are through with the use of it in these current proceedings. But the present examination of the minutes does not indicate that these minutes are of the nature of an approved journal.

SAM WEBBER recalled by Commissioner Breckinridge:
Q Did you go with your father to Tahlequah? A Yes, sir.
Q When he went there to prove your rights as a Cherokee Freedman?
A Yes, sir.
Q Did Jack Starr go with you the same time? A I can't remember whether he went or not; there was a big crowd that went.

Q Did you go there more than once? A I never went with him but the one time, but there were others went after that.
Q I am talking about you and your father. You and your father went once? A Yes, sir.
Q And that is all you and he went? A Yes, sir. That was before the Chambers'Court sat? A Yes, sir.
Q Did you and your father get your rights acknowledged by the Court you went to? A We did that time.
Q You were never called in question afterwards? A No, sir.
Q Did you employ a lawyer? A No, sir, we didn't employ a lawyer.
Q Did you go with your father before the Court? A I didn't go in; father went in.
Q Did your father employ a lawyer? A No, sir, he didn't employ a lawyer; he told me that.
Q Do you know anything about Jack Starr applying at that time? A No, sir, I don't know whether he did.
Q Do you know whether he went into the court or not with your father? A No, sir.
Q Do you know whether he went into the Court at all? A No, sir.
Q Did you have any talk with Jack Starr about the proceedings of that Court before you left there? A No, sir.
Q Have you ever talked with him since about it? A No, sir.

This will be filed as additional testimony in Cherokee Doubtful case 443.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 9th day of July, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Supplemental, D 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24,1901.

In the matter of the enrollment of Jack Starr as a Cherokee Freedman; HARRY STILL, being sworn by Com'r Needles, testified as follows:

Appearances:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. BROWN:

Q State your name? A Harry Still.
Q What is your age? A 54; my postoffice is Hayden.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q You know Jack Starr? A Yes, sir.
Q You know when he returned to the Cherokee Nation after the Civil War? A When I saw him was in '66.
Q Where was he living? A On Big Creek, ever since.
Q Has he any children? A Yes, sir.
Q You know whether he has a child named Charley Starr?
A I know him well; I have knowed him all his life.

BY MR. HASTINGS:

Q Where did you see Jack Starr first after the war?
A First time I saw Jack Starr after the war was in Ft. Scott.
Q But where in the Cherokee Nation? A On Big Creek.
Q What place on Big Creek? A Where he lives now, about half a mile from where he lives now, in the edge of the timber.
Q That's where you saw him? A Yes, sir.
Q That was in '66? A Yes, sir.
Q How long before Christmas? A Somewhere in November.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

(Signed) T. B. Needles,

Commissioner.

To be filed in case of Jack Starr, C.F.D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Lizzie Starr for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

SAM WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Sam Webber.
Q How old are you? A About 58, as near as I can remember.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here, and returned here in '66, and have been here ever since.
Q Are you on the roll of 1880 as a Cherokee Freedman? A Yes, sir.
Q Do you know this woman here? A Yes, sir.
Q What is her name? A Lizzie Starr.
Q What is the name of her father? A Jack Starr.
Q Has she got a brother named Charley Starr? A Yes, sir.
Q You know his wife? A Her name was Hannah Whitmire before he married her.
Q How do you know this woman's mother? A Yes, sir.
Q What was her name? A Charlotte Starr.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes, sir.
Q Have you known this woman all her life? A Yes, sir.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q She is a daughter of Charlotte and Jack Starr? A Yes, sir.
Q Charlotte is dead? A Yes, sir.
Q Been dead many years? A Yes, sir.
Q To whom did Charlotte belong before the war? A Johnson Whitmire.
Q Was Johnson Whitmire a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You knew him as such, did you? A Yes, sir.
Q Where did Charlotte and Jack go during the war? A They went to Kansas.
Q Do you know when they came back from Kansas? A Yes, sir.
Q When? A They came back in thefall of '66, just behind us, in the crowd of Dave Mayes and them.
Q Did they have any children living at that time with them? A Yes, sir.
Q Who was with them? A Had a son they called Aaron Starr, he died.
Q How long has he been dead? A I couldn't tell you exactly it has been right smart little bit.
Q Do you know when Charlotte and Jack were married? A No, sir, I don't know nothing about their marriage, it seems they were married before the war; they were together.
Q Back in slavery days? A Yes, sir.
Q Did they live together until Charlotte died? A Yes, sir, right there on the Creek.
Q How long after you got back was it when Charlotte and Jack got back? A It wasn't but a few days, they was on behind us, and come in a short time after we moved in there.

Q Did they settle in the same neighborhood where you did?
A Yes, sir.
Q Did they live there till Charlotte died? A Yes, sir, right there.
Q When was it you got back? A We got back in the first part of April, of '66.
Q And they came a few days afterwards? A Yes, sir, short time after.
Q And Charlotte lived there until she died? A Yes, sir, lived right there and died there.
Q Did she live with Jack until she died? A Yes, sir.

Examined by Cherokee Representative Davenport:
Q Which came back first to the Cherokee Nation here after the war, Jack Starr and his family, or Abraham Ward and his family? A Jack Starr.
Q How long after that was it until Abraham Ward and his family came? A They came later, it was getting cool.
Q Was it a month or two months or a year? A It was not quite two months, I know, before they pulled in there.
Q You sure it wasn't two months? A No, sir.
Q You are then sure that Jack Starr and his family didn't get back to the Cherokee Nation any more than two months before Abraham Ward and his family came? A No, sir, not that much I know.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the testimony of Sam Webber as given in the above styled case.

(Signed) M. D. Green.

Subscribed and sworn to before me this August 15, 1901.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do here by certify on my official oath that the foregoing is a true and correct copy of the testimony and proceedings in this case.

Donald F. Maxwell.

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce B Jones
Notary Public.

Cher Fr 1478
Trans. from Cher Fr D249

Cher Fr 1478

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Etta Thomas for the enrollment of herself, her husband and three children.

Etta Thomas, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Etta Thomas.
Q How old are you? A 32.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A My husband and three children.
Q Why isn't your husband here himself? A He isn't here on the ground, he is in Vinita.
Q If your husband is at the head of the family he ought to make the application himself or enrollment; what is her name? A Albert T. Thomas.
Q How old is he? A 34.
Q What is your post office address? A Vinita.
Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the roll of 1880? A No sir, my father Jonas Ragsdale, does.
Q What is your mother's name? A Jennie.
Q Are they living, A No sir, she is dead.
Q You say your name is on the roll of 1880? A No sir.
Q Is your father's name on the roll of 1880? A Yes sir.
Q Your mother's ? A No sir.
Q Is Albert Thomas a non citizen? A Yes sir.
Q Where were you married to him? A (Exhibits paper).
By W. W. Hastings, attorney for Cherokee Nation: If your father in the tent? A Yes sir.

Mr. Hastings: I would like for him to be placed under the rule during this cross-examination.

Commissioner: Applicant presents a duly authenticated marriage certificate and proof of marriage certifying that she was married to one A. T.THomas, a citizen of the United States, according to the laws of the Cherokee Nation, on the 31st of June, 1893.

Q What are the names of your children? A Clyde is the oldest.
Q How old is Clyde? A 16.
Q The name of the next child? A Albert Thomas.
Q How old is Albert? A Nine; then Earl.
Q How old is Earl? A 7.
Q Any others? A That is all.
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Where were you born? A Iola, Kansas.
By Edgar Smith, attorney for Applicant: Where do you live now? A Vinita.
Q How long have you livedhere? A In Vinita, about two weeks.
Q Where were you living before you came to Vinita? A Near Chelsea.
Q You are the daughter of Jennie Ragsdale? A Yes sir.
Q How long did you live near Chelsea or at Chelsea? A About years or four years, between four or five.
Q How old d d you say you are? A 32.
Q Where have you lived during your life? A I have lived here most of the time.
Q What do you mean by here? A Indian Territory.

Q In the Nation? A Cherokee Nation.
Q Well, if you have been out at any time state for what purpose?
A Why, I have been out to school.
Q When were you out at school, how long ago? A Not since I was 14.
Mr. Hastings: What did you say your mother's name was? A Jennie.
Q Was she a white woman or a colored woman? A She was a colored woman.
Q You were born at Iola, Kansas? A Iola.
Q Your father up there at the time, A When I was born, I can't say
Q Did your father ever live in Kansas? A Not that I know of.
Q When you were old enou h to remember, was he living up,there?
A No sir.
Q When you were old enough to remember you were up in Iola,Kas.?
A No sir.
Q Where were you living when you can first remember? A Here on Grand River.
Q Where? A On Grand River.
Q Yes, I know, but with whom? A My father and mother.
Q Then your motherlived on Grand River, did she? A After she and my father were married, of course.
Q But you were born at Iola, Kansas? A Yes sir, where my mother was visiting my grandmother.
Q Had she been living down here prior to that time? A Yes sir.
Q Before your birth? A Yes sir.
Q Who were your neighbors here on Grand River? A Andy Fry and Gus Buffington.
Q About how old were you when you went back to Kansas? A About four or five years old.
Q Your mother living then? A Yes sir.
Q Did she go back to Kansas with you? A Yes sir.
Q To Iola? A No sir.
Q What place in Kansas? A I can't say.
Q You don't know what place you went back up there to to remain, live? A No, I can't say, because my mother and father seprated about that time.
Q You lived with your mother? A Yes sir.
Q And stayed with your mother? A Part of the time.
Q Wh t place in Kansas did your mother locate? A Cherryvale.
Q Is your mother yet living, A My mother is dead.
Q When did she die? A About 6 years ago.
Q You lived with her until the time she died? A No sir.
Q You were not up there with her? A No sir, she was here.
Q How long had she been here when she died? A About two years.
Q She came from Cherryvale down here; did she or not? A No sir.
Q Where did she come from when she came down here? A Wichita.
Q Did you come with her? A No sir.
Q In what year did you marry? A In 1893.
Q Who married you? A John Adams, a Delaware minister.
Q Have you ever been back to Kansas since 1893? A Yes sir, I have visited Kansas.
Q Where is your husband? A He is in Vinita.
Q Have you and your husband ever lived in Kansas since your marriage? A No sir.
Q What is the longest time that you have ever been up in Kansas with your husband since your marriage? A About three months.
Q What was he doing A Cooking at a hotel.
Q What place? A He was cooking at Wichita.
Q Now how many times has he been up there since '93? A I can't say
Q The fact is, he has been living up there all the time? A No sir.
Q N w how much of your time have you actually resided in the Cherokee Nation? A Since 1893?

Q Since 1893? A Most of the time.
Q Where did you reside the first year of your marriage? A Here in the Territory.
Q Where at ? A Near Caney.
Q On a farm? A Yes sir.
Q Make a crop up there? A Yes sir.
Q Where did you reside the next? A Near Caney.
Q Do you know that you resided there the first two years? A Yes sir
Q Where did you reside the next? A I visited my mother.
Q Where? A In Wichita.
Q How long did you remain up there with her? A About three months.
Mr. Smith: Have you any property in the Cherokee Nation? A Yes sir, I have.
Q What? A I have got a farm.
Q Where is it? A Near Chelsea.
Q How long have you hadit? A About six years.
Q Is that the first farm you everowned in the Cherokee Nation?
A No sir.
Q Did you own one before that or since? A I owned one before that.
Q Where? A Out on Caney.
Q How long since you first owned a farm out on Caney, when did you first get a farm out on Caney, about how long ago? A In 1891 or '2.
Q Well, you have owned these farms all of the time, have you; have you still the farm on Caney? A No sir.
Q When did you sell that? A Bud Trainor taken it away from me, jumped it.
Q The farm you own now is near Chelsea? A Yes sir.
Q Are you on theKerns-Clifton roll? A Yes sir, and on the Wallace roll.
Q Have you ever had anythin to ~~xxxx~~ do with the Cherokee Courts in an y way? A No sir.

Mr. Hastings: From who m did you purchase your first improvement; make it or buy it, A We made it.
Q After your marriage? A My father gave me the claim and my husband improvedit.
Q That was after you married? A Yes sir.
Commissioner: Were you ever married before you married Albert Thomas? A Yes sir.
Q What was your first husband's name? A Brandon Thompson.
Q What is this oldest boy, Clyde, what is his name? A His name of Thompson, Brandon was his father.
Q What is Albert's name? A Thomas.
Q Earl is named Thomas? A Yes sir.
Mr. Hastings: Where were you first married? A Cherryvale.
Q What was the occupation of your husband? A He was an engineer.
Q Where was this oldest child born? A Here in the Territory near Caney.
Q When were you first married? A In 1883.
Q Where was the second one born? A Near Caney.
Q You were livingon your farm at that time? A Yes sir.
Q Who were y our neighbors near Caney, who lived on adjoining farms?
A Rab Rogers and Huse Rogers.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identifiedthereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 102, No. 2547, Hetta Ragsdale.

Q Is your name Hetta or Etta? A Etta, that is my pro er name.

Clyde Thompson on page 102, No. 2548, Cooweescoowee dist;
Albert Thomas on page 102, No. 2549, Cooweescoowee district;
as Clyde Thompson;
Earl Thomas on page 102, No. 2550, Cooweescoowee district,
as Earl Thompson.

Q The two younger children, Albert and Earl, are named Thomas?
A Yes sir.
A I think my name is Thomas on the Wallace roll.
The Wallace roll examined and the applicant identified thereon page 142, No. 2979, Ettie Thomas, Delaware district.

Jonas Ragsdale, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jonas Ragsdale.
Q How old are you? A I am about 60 years old.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Mr. Smith: Have you any children? A Yes sir.
Q What are their names? A Della and Etta.
Q Are they married or single? A They are married.
Q What are their names now? A Etta Thomas and Della Still.
Q How old is Etta? A She is 30 or 31, somewheres along there.
Q How old is Della? A She is 30, as near as I can recollect.
Q Who was their mother? AJennie.
Q Jennie who? A Jennie Ragsdale, that is what her name was then.
Q Was she your wife? A Yes sir.
Q Where were you living at the time Etta was born? A Well, I was stopping a while in Iola.
Q Where were you during the war? A I was in the army during the war.
Q Well, after the war where did you go? A I came on down here after the war in 1866.
Q Where? A To the Nation.
Q How long did you live then in the Cherokee nation? A I been living here all the time, off and on.
Q When did you marry the mother of these two girls? A I think it was in '68, I think. I think it was in '68.
Q Have you ever, since the time you came back here after the war, lived permanently out of the Cherokee Nation? A Why, no sir.
Q How long did you and this woman live together, the mother of these two girls? A I forget now just how long it was.
Q Did you ever separate? A Yes sir.
Q When? A I don't know what year that was either.
Q About how long ago has it been? A It has been a good while ago.
Q Tell us about how long it has been? A Well, it was somewhere in 1880, but I don't recollect just what month itwas.
Q Nor exactly what year it was? A No sir.
Q Where did her mother live, your wife's mother? At the time Etta was born? A She was staying at Iola when she was born, she went up there to where her mother was.
Q How long did she stay up there? A She stayed there till she got well.
Q And then she came back to the Nation? A Yes sir.
Q Well then how much younger is Della than Etta? A Well, there is nearly two years difference between the children.
Q Where was Della born? A She was born at Erie.
Q Erie what? A Kansas.
Q How long was your wife at Erie?A She was there, she stayedthere till she got well and up and all right.

Q Why did she go there? A Her mother was living there and she would go where her mother was to wait on her and attend her.
Q Well, where did your wife go after you and she separated?
A She went back to Kansas.
Q Where did you go? A I stayed here.
Q Do you know how old these two children were at the time you and your wife separated, about how old they were? A I think Della was four or five years old; not Della, Etta.
Q After your separation what became of the children? A Well, she taken them with her, they went with her and stayed with her a while till they got big enough and went to school and then back to me to stay with me a while.
Q They stayed part of the time with your wife and a part of the time with you? A Yes sir, that is the way they dome, and they were going to school there in Kansas.
Q Abd about how old were they when they returned to the Cherokee Nation, that is permanently, when they come back to stay? A .I think the youn est one was 12 and the other one was 13, I think.
Q Who was your owner? A Robert Ross.
Q Where did he live? A Lived here in the Nation, down here at the old asylum.
Q Was he a Cherokee? A Yes sir.
A citizen of the Cherokee Nation? A Yes sir, Lewis Ross' son.
Q You were in the army during the war? A Yes sir.
Q What time did you come back here to the Cherokee Nation? A I came back in the ~~xx~~ spring of ~~xxx~~. '65.
Q To the Cherokee Nation? A No, I come back in the spring of '66; I thought you meant out of the army.
Mr. Hastings: Who was your first wife? A Agnes.
Q Agnes what? A Ross.
Q She was your first wife after the war? A I married before the war.
Q Did you live with her how long, A I lived with her until she died, she died in '67.
Q Then you married the mother of Etta? A Yes sir, afterwards.
Q Who married you? A Well, I don't know, there was a preacher that married me but I done forgot his name.
Q You never did know his name? A Yes sir, I know his name right then, but then it has been so long I have forgot it, I never kept track of it.
Q Where were you married to her? A Down to Iola.
Q In Iola, Kansas? A Yes sir.
Q That was what time of the year '67? A It was in '68 I think.
Q What time of the year? A I don't know, it was alon in the fall.
Q How long had you been at Iola at that time? A I had been there not long, I was just travelling and after my wife died, my mother was up there, and I went back and forth to see her, and that is what I was doing up there then, I would go and stay a week or two and come on back here down home.
Q How long after your marriage before this first child was born?
A It was about 12 months, I guess, hadn't been long.
Q Your wife never was down here before that first child was born?
A No sir, she never came down.
Q She wasn't here before the second one was born? A Yes, we had been down here, and she went back before the second one was born.
Q Where did you come to with her, where did you live her? A We lived down here on Pryor Creek down in there.
Q That was before your second child was born by her? A Yes.
Q On whose place did you live on Pryor Creek? A Stayed onmy own place, I had a placd on Pryor Creek then; stayed there a while and went back.
Q About how long did you stay there with this woman? A I don't know, I can't tell you how long, I never kept track of the time.

Q But you went back to Kansas with her? A Yes, I went back up there and I never stayed long at a time, I came on here.
Q After the second child was born did this wife of yours come down here? A Yes sir, she came on down here.
Q Where did she come to then? A We stoppedon the river up here, a while.
Q You owned that place yet on Pryor Creek? A No, I didn't own the place then.
Q I mean you did then? A Yes, I had a place on Pryor Creek then.
Q At the time you and your wife came back and stopped on the river? A Yes sir.
Q How long did you live with this woman? A I don't know just exactly how many years I lived with her.
Q About how long, to the best of your knowledge?
A I don't know how many years, I never kept account of it.
Q Four or five? A I don't know.
Q Now just your best judgment? A I know Della was small.
Q About how old was she? A Who Della; I don't know, don't think she was over a year old, or a year and a half.
Q Now where were you when you and your wife separated? A I was staying out here on the river.
Q With whom? A Just living there on my own place, I have got a place out here.
Q Who were your neighbors out here? A All the Beans and Andy Fry.
Q You were living rightin that settltmenet when you separated?
A Yes, we were living there when she went back to Kansas.
Q And took these two children with her? A Yes sir.
Q These children stayed up there until they married, with their mother? A No, they came down here, they traveled, they would come down and see me and then go back.
Q How long did they ever stay with you at any one time? A I don't know how long they stayed with me, I never kept no count of the time, how many motnhs.
Q How long after you separated from your wife until you married again? A I don't know that either, I don't know what time it was, it was a good while before I married.
Q About how many years? A I can't tell just exactly, two or three years, I guess.
Q Now Etta was married up in Kansas, wasn't she? A Yes.
Q She was living there at the time, wasn't she? A Well, she was staying there with her mother.
Q And her mother died in Kansas, A No, shedied here in the Nation.
Q Where? A Died out here on Lightening Creek.
Q How long did she live in Kansas after she married? Etta?
A She had been living there, I don't know, she stayed there a year, around there by me.
Q Down where? A Out on Caney.
Q How long did she live on Caney? A She live dthere, I don't know how many years she stayed there, she stayed there, let's see, she stayed here I think three or four years.
Q Where did her firsthusband die? A I don't know where he died.
Q Where was she marriedthe second time? A She married here in the Nation, she got a license out and married.
Q Hasn't shebeen living in Kansas some since she marriedthe last time, A She would go backwards to see her mother while her mother was living there, and then come back.
Mr. Smith: You and your wife separated, you say? A Yes sir.
Q When this oldest child was four or five years old' A Yes sir.
Q And she went to Kansas and you stayed here? A Yes sir.
Q And these children stayed here part the time with their mother and part with you? A Yes sir.

Q You mentioned something about some stuff a while ago, what did you mean by that? A I mean I had my things down here, what stock and stuff I had at that time.
Q What time? A That is when he was asking me about I and their mother, about staying out in the state, and I told them I would go up there and come back, I wouldn't stay long at a time because I had stuff to come and see after it.
Q What did you have here? A I had cattle and horses.
Q In the CherokeeNation? A Yes sir, I was living here, this was my home.
Q That was your home when you married this woman? A Yes sir. It was my home, I married and brought her home, brought her down here; that is what I call my home.
Q And it has been your home ever since? A Yes sir.
Q Where you had your property and stuff, as you call it? A
A Yes sir.
Q Is there anybody here who knows about your marriage to this woman, anyone saw you married, or knew you when you lived together as man and wife? A Yes sir, Andy Fry knew that we lived together as man and wife.

Jesse Vann, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Jesse Vann.
Q Where do you live? A I live on this side of Grand River in Saline District.
Q Do you know Ragsdale? A I know Jonas Ragsdale, yes sir.
Q How long have you known him? A I reckon about somewheres close on to thirty years.
Q Did you know his wife, Jennie Ragsdale? A I know these girls' mother, but I never did in fact know hername particular, but I lived on one side of the river and they lived on the other.
Q Where was that? A That was up here about where Gus Buffington lives in this district.
Q Was it in the Cherokee Nation? A It was in the CherokeeNation.
Q How old were these girls when you knew them, Della and Etta?
A I will tell you about as near as I can remember, I am satisfied that I know pretty near about what size they were, but I don't know their ages just exactly.
Q About what size? A The youn er one was a very small little girl, she was almost nursing, I reckon she was about weaned, and him and his wife was spatting about these two children and they crossed backwards and forwards of the river and he would take them away from her and she would come back and get them and taken them away frm him, and they spattedthat way quite a while about these two children, I know that; the biggest one was just walking, but the other one was just about weaned.
Q How long did you live up there near them? A I lived up there, I don't know just exactly how long; I was around, and running about and running around.
Q Was that several months or weeks or years? A Why years, I live right close to the sameplace yet.
Q Did they live together as man and wife? A They lived together as man and wife, it was known over the neighborhood.
Mr. Hastings: They lived there five or six years as man and wife by you? A Yes sir, or longer.
Q You are certain of that? A I am satisfied of it.
Q You seem to be positive about it? A I am positive about it.
Q How old are you? A I am close on to 50, somewheres along there.

Q You don't rememberwhen they were married first? A I don't remember nothing about the marriage, but I knew them when t hey lived together as man and wife.
Q Do you know they lived together at that place as man and wife?
A They lived longerthan that.
Q How long? A About that long or longer.
Q And they lived right there by you? A Yes sir, they lived right by me, on this side of the river, up about where Gus Buffington lived

The 1880 authenticated roll of CherokeeFreedmen examined and the name of Jonas Ragsdale identified thereon, page 165, No. 2433, Coweescoowee district, as Jonah Ragsdale.

Commissioner: Etta Thomas applies for the enrollment of herself and her three children, Clyde, Albert and Earl, as Cherokee Freedmen. She also applies for the enrollment of her husband, Albert T. Thomas, as a Cherokee Freedman citizen. She also applies for the enrollment of her husband, Albert T. Thomas, as a Cherokee freedman citizen by intermarriage. Her name does not appear upon the authenticated roll, of1880, but she is duly identified on the Kerns-Clifton roll. Her three children, namely, Clyde Thompson, a child by her former husband, one Thompson, and for Albert and Earl Thomas, children by her present husband, are duly identified upon the Kerns-Clifton roll They make satisfactory proof as to residence, and said Etta Thomas and her three children as enumerated will be listed for enrollment as Cherokee Freedmen upon a doubtful card, and her husband, Albert T. Thomas, will also be enrolled as an intermarried citizen upon a doubtful card awaiting further consideration of the Commission.

When t he decision of the Commission is arrived at said Etta Thomas will be advised of the same by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoingis a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 11th day of May, 1901.

M. D. Green,
(Seal) Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 31, 1903.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true andcomplete copy of the original transcript in this case.

Wm Hutchinson

Subscribed and sworn to before me this 31st day of July, 1903.

Edward Merrin
Notary Public.

D.249

...SION TO THE FIVE CIVILIZED TRIBES
FILED
... 1901

... Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10, 1901

Post Office Vinita, I.T.

District Delaware

1. Name Albert T. Thomas Age 34

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Etta Thomas Age 32

Owner's name Citizenship

Year 1896 Page 102 No. 2547 District Coo

Parents:

Father Tomas Ragsdale-living Citizenship

Mother Jennie " - dead Citizenship

Names of Children:

3. Clyde Thompson Year 96 Page 102 No. 2548 Dist. Coo 16

4. Albert Thomas Year " Page 102 No. 2549 Dist. " 9

5. Earl " Year " Page 102 No. 2550 Dist. " 7

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Etta Thomas Stenographer B.C. Jones

2 Cor Walker P. 142 2279 Etta Thomas Wife.

2 Cor 5 and 6, will as Etta Ragsdale

4 " " " " " Albert Thomson

5 " " " " " Earl "

Mellette and Smith, Attys for Applicants

29 1149

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Albert T. Thomas et al, for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 10th, 1901.

[illegible]

Attorney for Applicants.

Cherokee F. #D249.

FD 249

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this ..... day of .....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the SEP 30 1901 day of ....., 190..

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ... day of ..... A. D. 190...

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Albert T. Thomas for enrollment as Cherokee Freedmen:

Case No. F. D 249

To Albert T. Thomas ~~or Mollette & Smith~~ his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on Oct. 3d at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 30th 1901.

W. W. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

Albert [illegible]

F. D. 244

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 14 day of April, 1902

Malcolm & Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Smith and Malcolm on the 14 day of April A. D. 1902

L. P. Schell

Subscribed and sworn to before me this 14th day of April 1902

L. P. Schell
Notary Public.

My Com. Exp. [illegible]

NOTICE!

IN THE MATTER OF the application of Albert Thomas for enrollment as Cherokee Freedmen:

Case No. F. D. 544

To Albert Thomas, Muskogee, Indian Territory

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on 11th day of October, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 4/11/1902

W. W. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of.....A. D. 190..

Given under my hand this ..... day of .....A. D. 190 .

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of 4-18 ~~190~~ 2

Willett & Finch
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to W. W. Willett & Finch - on the 18th day of April A. D. 1902

John Park

Subscribed and sworn to before me this 18th April - 1902

O'Meara
Notary Public.

COMMISSION TO [illegible] CIVILIZED TRIBES
FILED
APR 18 1902
[illegible]
ACTING

NOTICE!

IN THE MATTER OF the application of Albert J. Thomas for enrollment as Cherokee Freedmen:

Case No. F. D 249

To Albert J. Thomas, c/o Mitchell Smith

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 15 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 16 1902

R. L. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D-249.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29, 1902.

In the matter of the application of Etta Thomas for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-249.

APPEARANCES:
Mellette & Smith and Lewis T. Brown for applicants.
W. W. Hastings for Cherokee Nation.

MR. BROWN: Come now the applicants and object to the introduction of any testimony tending to disprove their rights as citizens of the Cherokee Nation for the reason that they are descendants of a person whose name appears upon the authenticated roll of 1880, and that the decree of the court, as well asthe instructions of the Secretary of the Interior by which this Commission is making a roll of CherokeeFreedmen, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880, or their descendants, and calls the attention of the Commission to the fact that the applicants in these cases have all been born since the war, and whatever rights they might have at all they take it through their parents

MR. HASTINGS: In answer to the above objection the representative of the Cherokee Nation desires to call the attention of the Commission to the fact that the applicant, Etta Thomas, ave her age in 1901 as being at that time 32 years. She wastherefore born in 1869, was alive and in being in 1880, and the record does not show that she nor her sister, Della Still, who gave her age as being 31 in 1901, are upon the authenticated roll of 1880, and therefore neither of them are descendants of any one whose name appears upon the roll of 1880 since born. The Cherokee Nation contends that they must have been born subsequent to the authentication of the roll of 1880 in order to permit them to acquire rights through their parents. The Cherokee nation further contends that colored people could abjure their rights to citizenship by non-residence and marriage in the states the same as Cherokees by blood under the constitution and laws of the Cherokee Nation, and for all of these reasons that this testimony is admissible.

MR. BROWN: The applicant contends that the fact that these applicants are not upon the roll of 1880 is no evidence whatever that they are not entitled; that the Cherokee Nation made the roll of 1880 themselves, and is therefore bound by it; that all of these applicants were born after the year 1866, and whatever right they might have at all, they get it through their parents. The applicant desires to further state that the supreeme court has already held that the only way that an Indian can abjure his citizenship is by a treaty or an act of Congress or by taking the oath of naturalization, and that has not been proven in this case; and they further contend that in accordance with the treaty of 1866 these freedmen have all the rights of native born Cherokees to all effects.

JOSEPH RUCKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Joseph Rucker.
Q How old are you, Joe? A I am 65 the 10th of October.
Q Where do you live? A I live in Chanute, Neosho County.
Q Kansas? A Kansas.
Q How lon have you lived at Chanute, Kansas? A I have been living there 26 years the first day of March past, 26 years.
Q Last March? A Yes sir, the first day.
Q Where did you live before that time? A I lived down to Erie, the county seat.
Q That in Kansas? A Yes sir, that's in Kansas.
Q Were you in Kansas during the war? A Yes sir.
Q Were you there when t he war closed? A I was, I come to Kansas in the year '63.
Q Where did you come from to Kansas? A Come from Arkansas, V an Buren, Arkansas.
Q I will ask you if you e verknew a colored family up there who went by the name of Ragsdall? A Yes sir.
Q Do you the girls' names? A Yes sir.
Q What was their names? A Della, and I forget the youngest one's name, I know it though, but I can't call it. I know them both, lived right there by them, right door neighbors to them.
Q You lived door neighbors to t hem, did you? A Yes sir.
Q Well, how far did they live from you? A Just about half a block.
Q Half a block; did you know their mother's name? A Yes sir.
Q What was her name? A Mrs. Beacham.
Q Had she married a ain when you knew her, that is, the motherof these girls? A Yes sir. No, no, she hadn't, I don't know anything about the mother of these girls; I don't know the motherof the girls, I don't know the father of them; Mrs. Beacham, I knew her.
Q Well herhusband was named Beacham when you knew her? A Yes sir, a yellow fellow, a barber.
Q Barber was he? A Yes sir.
Q Where was he living when you knew him? A Lived in Chanute.
Q When did you learn to know him there? A The first year I went there.
Q When was that? A That's been 26 years ago this last March, first day of last March, I got aqquainted with him.
Q Got acquainted with him? A yes sir.
Q Did you know Mrs. Beacham, did you remember Mrs. Beacham's first name? A Well, if I would hear it called I would; I never called her anything but Mrs. Beacham; I never knew anything else; I know she often spoke about her children Ragsdall.
Q Ragsdall children? A Yes sir.
Q Well did these children go by the name of Ragsdall or Beacham?
A They went by the name of Beacham now.
Q How long did you continue to know them in Chanute? A Oh, I knowed them there five or six years.
Q Did they live there during that time? A Yes sir.
Q Did their mother own property there? A Yes sir.
Q What became of their stepfather Beacham? A He went to Colorado.
Q What was his occupation? A He was a barber.
Q Barber? A Yes sir.
Q What became of these girls and their mother? A Well the first and foremost they moved to Cherryvale.
Q Kansas? A yes sir.
Q How far is Cherryvale, Kansas, from Chanute? A 30 miles.
Q 30 miles; did you ever see them down there? A Oh, yes sir.
Q Do you know whether this Etta's sister was named Della or not?
A Yes sir, her name was Della.
Q Did you ever see Etta after she was married? A Yes sir.
Q Where did you see her? A I seen her down at Cherryvale.

Q Did she have any children there? A I don't remember.
Q Whomdid you see, Etta? A Yes sir.
Q Well did you ever see Della after she was married? A Yes sir, she stayed one night at my house, had one little child with her.
Q Do you know who Della married, what his name was? A No sir, I doesn't.
Q But she stayee all night at your house after she was married?
A Yes sir.
Q Where was she going? A I don't know where she was going; she was on pursue of her husband; they had separated at that time.
Q How long did you continue to know of them at these different places around? A Oh, quite a number of times from people who would know them as well as I did, you know, speak about it, seen them.
Q Do you know wherethey went from Cherryvale? A They went to another little town right close, I forget the name of the little place; I thought of it a while ago; a little town not very far from there they went to; I forget the name of the little town they went to; moved to some small little village.
Q While the mother and these girls were living at Chanute for some five or six years, as you stated, did you evermiss them from up there for any length of time? A Not as I remember of; I lived right there all the time.
Q Did you see them frequently? A Yes sir, every day; if they went away I don't know it; of course I would have knew it.
Q About how old were these girls when you first knew hem? A Well from appearance and the looks of the children they must have been from twelve, ten to twelve or somewheres in the neighborhood of that, from the looks of them.
Q You are only guessing as to their age? A Just guessing, not saying for certainty.
Q Do you know Mr. Brown? A That young man (indicating Lewis T. Brown)?
Q Yes sir. A Why, yes sir.
MR. BROWN: Where were you born? A Tennessee, in Tennessee.
Q What year were you born? A I don't remember; I can't read; I don't remember; but I remember that I was born in Tennessee, Mr. Brown.
Q What year did you go to Kansas? A I come to Kansas in the year of '63, knew that by the war.
Q To what point did you go in Kansas? A What did you have reference to?
Q Well, did you go to Kansas City? A No sir, I come to Kansas.
Q Well to what point, what's your post office? A Chanute.
Q What year did you come there? A I come to Ottawa, to Lawrence. I was there in '63, the time of the raid; after '63 I was down in the raid.
Q Well, to what point did you come in Kansas when you come from Tennessee? A Well, I didn't come right there; I came to Arkansas first, and when the war commenced I come to Kansas.
Q To what point in Kansas did you come in '63? A I come to what point! Explain yourself.
MR. HASTINGS: What town? A I told you I come to Lawrence.
MR. B ROWN: That's the first place you come to in '63?
A Yes sir.
Q How long did you stay there? A I stayed there about a year.
Q Where did you go then? A I came on down below, Ottawa.
Q How long did you stay thereA Stayed there quite a speall, I don't remember. How long did I stay there? Helped build up the town, worked around there quite a spell, and then I moved to Chanute; I don't remember.
Q About how long, ten years, did you stay in Ottawa? A Oh,no, not that time; four or five years I stayed there.

Q Where did you go to from there? A Well I was travell ing around forst one place an d then another; went to Missouri, from Missouri I come to, what's the name of the town? I will call the name of the little town in a few minutes.
Q How long didmyou stay in Missouri? A About a year.
Q Where did you go from Missouri? A I can tell you in a few minutes. Come up to the Osage Mission, and then from the Osage Missi on over to Erie, and then I movedto Chanute.
Q How long did you stay in Erie? A Stayed there about nine months and the Osage Mission together.
Q How long did you live in Chanute? A I have been 26 years the first day of last March.
Q Have you been living there ever since you left Erie? A Ever since, yes sir.
Q You say you come to,Lawrence in '63 and stayed there a year?
A Yes sir.
Q That would make it '64, wouldn't it? A Yes sir.
Q You went from Lawrence to Ottawa and stayed four or five years, didn't you? A Yes sir.
Q That would make it '68 or '9 and you went from Ottawa and stayed in Missouri a year, which would ma e it '70? A Yes sir.
Q And you stayed in Erie until 26 years ago? A Oh, no sir, I didn't stay in Erie; I said I stayee in Erie about a year.
Q But then you went direct from Erie to Chanute, Kansas, didn't you? A Yes sir, been there ever since.
Q And you stayed in Erie from the time you went there until 26 years ago, didn't you? A I think you are mistaken, stayed in Erie until 26 years ago?
Q Yes sir. A I meant to have said I have been in Chanute 26 years, ever since the first day of March, 26 years.
Q Well in going from Erie you went to Chanute, Kansas, didn't you?
A Yes sir.
Q You have been living in Chanute, Kansas, for the last 26 years, haven't you? A Yes sir.
Q And you was living in Erie immediately before you went to Chanute, Kansas? A Yes sir.
Q Prior to 26 years ago you didn,t live in Chanute, did you?
A Didn't?
Q Yes, prior to 26 years ago? A No, I won't say that.
Q Well, did you live in Chanute, Kansas, before 26 years ago?
A Did I live in there?
Q Yes sir? A No sir, I did in Kansas, but not in Chanute.
Q You didn't in Chanute? A No sir.
Q Well what did you say the oldes t child was named, of that family, this family about which you are testifying? A I said Beacham I thought.
Q The oldest child was named Beacham? A No , I say.-Well, the oldest child; I was thinking - from the looks of them they was 10 to 12 years old, I don't know.
Q Was it a boy or a girl? A Girls.
Q What was her name? A Della.
Q That was the oldest one? A I suppose it is.
Q Well now what was the next one's name, the youn est one? A I forget her name.
Q How old was she? A She looked like she was about ten years old.
Q Della was older than the other one? A Looks to me like she was.
Q You lived right there close to them? A I knowed B eacham.
Q Under what name did they go by when they lived in Kansas?
A Beacham.
Q And when you said by the name Ragsdall you were mistaken were you?
A Let me tell, her mother would oftentimes say, "I'll send you home to your father Ragsdall;" that's what she would say often.

Q Well did she ever send them? A Not as I know of.
Q Would you swear that she didn't? A No, no, I wouldn't.
Q Was it your business to see where these children went? A No, sir, no.
Q Was it your business to see where these children went?
A No sir, it was not. I just seen the children there, and I have heard her speak of it time and again, Mr. Brown.
Q Well how long did they live in Chanute, Kansas? A Well, they stayed several - my understanding now, about five or six years.
Q You went there 26 years ago? A Yes sir.
Q And then if they stayed there five or six years they left there about 20 years ago? A Oh, no, that won't do.
Q Well tell me something that will do? A Well you have got to figure that out yourself.
Q You went to Chanute, Kansas, 26 years ago, didn't you?
A Yes sir.
Q You got acquainted with the Beacham family when you went there?
A I did.
Q They stayed there five or six years? A Yes sir.
Q Then they must have left there 20 years ago? A Oh no, they couldn't make that if theystayed there five or six years. Well now you take the time from the time I went there and addthat time up with mine, now, you will see how much that will cut off.
Q You gave me a date? A You are doing the figuring now and doing the counting; I will answer your questions right, you ask me questions right and I will answer them right.
Q Well, answer this one? A I can't answer it, you have got to.
COMMISSION: Can you answer his question? A I can't, not the way he has got it.
MR. BROWN: How long has it been since the Beacham family lived in Chanute, Kansas? A Well, it must have been, let me see, some fourteen or fifteen years.
Q Ago? A Must have been.
Q Well now where did they go to when they left Chanute? A They went down to Cherryvale.
Q How long did they live there? A I don't know; they livedthere.
Q How long did you know them to live there? A They was there quite a little spell, I don't remember.
Q Was it as much as ten years? A Oh no sir,
Q Was it as much as five years? A In the neighborhood of three or four or five years; I oftentimes heard of them, but I didn't ask them.
Q How long has it been since they lived in Cherryvale? A I don't know.
Q About how long. A I don't know.
Q What's your best judgment? A Well, I ain't got any judgment about it only they were there.
Q Was it ten years ago? A No sir.
Q Was it five years ago? A Well, it's been more than five.
Q Six? A Oh, well, there's no use in asking that kind of a question.
Q Well, there is some use in asking it? A It was more than six.
Q Seven? A Seven or eight years ago I think.
Q Where did they go to from Cherryvale? A They went to Neodesha, and from there over to the next town above that, north of that.
Q Well now how long did they stay in that town? A I don't know.
Q How longhas it been since they went away from there? A I really couldn't say.
Q Then your testimony is, until seven or eight years ago that Beacham family lived in Cherryvale, Kansas? A Well now it's been seven or eight years since the girl came to my house.
Q Where was she from? A Cherryvale or some of them towns; she had a little girl or boy with her.

Q Which was it, boy or girl? A I don't know.
Q Was it a boy or a girl? A Looked like he was two or three years old.
Q Stayed all night at your house and you don't know whether it was a girl or boy? A No, I don't.
Q Where were youmliving then? A I was livingin Chanute.
Q Well you swear then that that girl Della was in your house in Chanute, Kansas, seven or eight years ago? A Yes sir.
Q When did you see her mother for the last time? A She - it's been a number of years.
Q About how many? A I haven't seen her mother since she moved out of Chanute.
Q Don't know where she went to of your own personal knowledge when she left there? A No sir, they went to Cherryvale, so I understood.
Q You don't know whetherthe mother ever lived in Cherryvale, Kansas, or not, do you? A I think she did.
Q Well, do you know it? A Well I come pretty near believing it.
Q Will you swear that? A I will not answer that, I knew she did by what people said, I knew what people told me, people told me in Kansas.
Q Would you swear that she ever lived in Neodesha, Kansas? A Well no, only what people told me.
Q Are you testifying to what people told you or to what you know? A I am testifying to what I have seen myself; but Mrs. Beacham, I didn't know where she did live only what people told me.
Q You went to Chanute the first you saw Mrs. Beacham? A yes sir.
Q You found her there? A Yes sir.
Q She lived there for four or five years? A And I found you there too.
Q Yes sir, I was there? A Now you know I am right.
Q You say her mother owned property there? A Yes sir.
Q How do you know it? A I worked for her, and heard it was her'n, and she sold it.
Q Did you buy it? A Goodseal bought it. I don't know whether she ownedit or not, I know she was a-claiming it was her'n, and I moved the housethere for her, and so on.
Q I believe you stated in your direct examined, Mr. Rucker, that Beacham went to Colorado? A Yes sir.
Q When did he go to Colorado? A I don't know exactly when. You know old man Clark?
Q No. A Liz ie Clark there and we got letters from her, and she wrote was running a barber shop.
Q When did you learn that Beacham was livingin Colorado? A It's been several months ago, from this lady.
Q Where did Etta Thomas marry? A She said she married at Cherryvale.
Q She told you she married in Cherryvale? A She told my folks.
Q How do you know she did? A I heard- the woman told me so.
Q Are you testifying to what the woman told you or what you know? A I am testifying to what they told me, because they asked her that, because the women told me.
Q Are you testifying about her? A I am.
Q Where did Della Still marry? A Cherryvale.
Q Do you know she married thereh? A Well, she told the girls she did.
Q How do you know she told the girls she did? A They told me so.
Q Are you testifying to what the girls told you or what you know? A Well now I didn't see- what's the use in asking that.
Q Are you testifying to what the girls told you or to what you know? A I am testifying to what I know, and there's some things you have got to prove a right to know to find out whether it's right or not.

Q Now are you testifying to what the girls told you or to what you know yourself? A I am testifying to what I know.
Q You know that Della Still was married in Cherryvale? A Well she said that she was marriedthere.
Q Did she tell you that she did? A She told the girls.
Q How do you know she told the girls? A Girls told me she did.
Q Are you testifying to what the girls told you or to what you know?
A I told you plainly as I can tell you I am testifying to what I know, but then t he girls to ld me that, and I am going to tell it just as they told me.
Q Della Still nevertold you that she was marri ed in Kansas; Etta Thomas never told you she was married in Kansas? A The biggest one told me she was married in Kansas.
Q When did she tell you that? A Told me when she was at my house.
Q When was that? A Been five or six years, maybe more.
Q How many children did she have then? A One.
Q What wasits name? A Had no name I guess.
Q Have you seen or heard read a copy of the testimony in this case; has anyone told you what any of these people have testifie d to in this case; hasn't this testimony been read over to you this afternoon? A No sir.
Q You don't know even what they have testified to? A No sir.
Q No one ever talked to you about it? A No sir.
Q When were you called upon to remember what you knew about this family? A Never been called upon. One man did ask, did I know the Beacham girls , and I told him yes; asked me where they lived, and I told him; asked how long I knewthem; I told him.
Q When was that? A The other day.
Q What was that' man's name? A I don't know what his name is; I am honest about it in anything I'll tell you.
Q Where was Della and Etta born? A Good God, how do I know?
Q Answer my question? A I am answering it. The first time I knew the girls they was in Chanute.
Q Where did they live prior to the time they were ten or twelve years old? A Lived in Chanute.
Q How do you know that? A Didn't you see them?
Q Didndt you just now testify that when you became acquainted with them they were 10 or 12 years old? A Yes sir.
Q Where did they live prior to the time they were ten or twelve years old? A They lived in Chanute.
Q You swear that they did? A I said agreeable to what I thought they was.
Q Will you swear that they did? A Well I am answering your questions as migh as possible; I think that they were that old; I am judging.
Q How are you judging? A I am judging that they were ten or twelve years old.
Q When you first become acquainted with them? A yes sir.
Q Where did they live before that time? A Why they livedthere right above where the place they bought. You know where that was as well as I do.
Q Well now, right above the place they bought; where was that at?
A You know where Opp lived, and then they bought a place right across from them. The place just like your father bought, where you lived; just the same.
Q Well now you don't know where they lived prior to the time they were attending this land, of your personal knowledge? A Yes, sir, I told you I did; but I can't remember the place right here.
Q Well you don't know where they lived before you got acquinted with them, do you? A No sir.
Q Where did they live before you became acquainted with them?
A No sir.

Q Did these girls about whom you are testifying ever live on Grand River in the Cherokee Nation? A Not as I know of.
Q Are you prepared to swear that they didn't? A On Grand River?
Q Yes sir, in the Cherokee Nation? A What do I know about where they lived down in the Nation?
Q Did they ever live there? A I don't know.
Q Where were the children born? A I don't know.
Q How long did you sy that they lived in the State of Kansas?
A Well, I don't know that.
Q About how long? A I couldn't tell you to save my life.
Q About twenty years? A I couldn't tell.
Q Was it ten years? A I couldn't tell.
Q Do you remember it, A Well I can remember how long I have known them.
Q How long did you know them in the State of Kansas? A Well, known them to live there from five to six years.
Q You are not willing to swear that they livedthere any longer than that? A No, oh no.

MR. HASTINGS: Now you got acquainted with them 26 years ago in Chanute, A Yes sir.
Q They were living there, neighbors of yours? A Yes sir.
Q You knew them five or six years? A Yes sir.
Q They moved off to Cherryvale? A Yes sir.
Q You have testified that you saw both of these girls after they were married? A Yes sir, I do.
Q One of them stayed all night at your house? A Yes sir.
Q Did she have a child, A yes sir.
Q Did she tell you where she was living then? A No, she was travelling through; she told me where she had been living.
Q Where did she say she hadbeen living? A Cherryvale.
Q What was she hunting for? A Said she was hunting for her man; she was going to get her man back.
Q Husband? A Yes sir, husband.

MR. BROWN: Which one of them was hunting for her husband, Della or the otherone? A Della , the grey eyed one.
Q What was her husband's name? A I don't know, I didn't ask her.
Q Did she have any children at that time? A Saw one child. Looked like to me it was two or three years old; I couldn't tell which.
Q Was it a boy or girl? A I don't know what itwas.
Q Can't tell whether it was a boy or a girl? A Dressed like a girl; had on a dress; I couldn't tell any more than that.

COMMISSION: This testimony will also be filed in the case of Della Still, F. D-250, who is represented by Lewis T. Brown.

MR. BROWN: The applicant desires to call the attention of the Commission to the marriage certificate filed in the case of Della Still, D-250, which shows that she was married to herhusband George Broomer in the Cherokee Nation, by the Rev. Sam Webber, a Minister of the Gospel, in accordance with the laws of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he

reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 9th day of July, 1902.

P. G. Reuter,

(SEAL) Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 1, 1903.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript in this case.

Wm. Hutchinson

Subscribed and sworn to before me this 1st day of August, 1903.

Edward Merrick
Notary Public.

COMMISSION TO THE FIVE [illegible]ZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Etta Thomas, D 249;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

FD 749

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN.

Freed D 850

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Albert T. Thomas, D 249;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

C.F.D.249.

Office of District Clerk,

Cooweescoowee Dist., C. N.

Marriage license is this the 25" day of Jan.1893 issued to A. T. Thomas a citizen of the United States to marry Mrs. Etta Thomas (nee) Ragsdale a Cherokee citizen, he having complied with the law regulating inter-marriage between Whites and Indians by getting his recommendation signed by the lawful number of Cherokee citizens by blood as shown below.

John Kirk J. L. Rogers Wm. Taylor Geo. Merrell Mrs. Fitzgerald Ed Sunday S. R. Huitt Will Lindsey Hattie Rogers

I, Wm. Adams a minister of the Gospel hereby certify that on the 31" day of Jan. 1893, I joined in matrimony Mr. A. T. Thomas a citizen of the United States and Mrs. Etta Thomas (nee)Ragsdale a citizen of the Cherokee Nation agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation

Given under my hand this the 31" day of January A. D. 1893.

Wm. Adams.

Recorded on this 3rd, day Feby. 1893.

H. H. Trott, Clerk.

::::::::::::::::::::::::::::::::::::::

I, Joe M. Lahay, Clerk of Cooweescoowee District, hereby certify that the above is a true and correct copy as found on Page 182 Book "B" Record of Marriages of Cooweescoowee District, Cherokee Nation."

In witness whereof I hereunto set my hand and seal of office on this the 26th, day of July 1897.

(Signed) Joe M. Lahay Clerk.
Cooweescoowee District, C. N.

(Signed) (SEAL)
By R. Lee Comen
Deputy Clerk.

::::::::::::::::::::::::::::::::::::::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 13, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original now on file with this Commission.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Della Still, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Della Still, et al.,.....Cherokee Freedmen D 250
Albert T. Thomas,.....Cherokee Freedmen D 249

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Della Still for herself and her minor children, Willie and John D. Groomer; and by Albert T. Thomas for his wife, Etta Thomas, and her minor children, Clyde Thompson, Albert Thomas and Karl Thomas, as Cherokee Freedmen, and for himself as a Cherokee Freedman by intermarriage. The status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Albert T. Thomas is not embraced in this decision.

The evidence shows that all the applicants herein are the descendants of one, Jonas Ragsdale, who is identified on the 1880 authenticated Cherokee roll. It is presumed from this enrollment that the Cherokee Nation recognized that the said Jonas Ragsdale complied with the terms of the treaty of 1866. His said descendants, having been born since 1866, acquire the status of their said ancestor.

The evidence further shows that Etta Thomas has resided in the Cherokee Nation continuously since 1896 or 1897; that Della Still has resided therein continuously since 1887; and that their minor children, above named, have, since birth, resided with the said Etta Thomas and Della Still, respectively.

It is, therefore, the opinion of this Commission that Della Still, Willie Groomer, John D. Groomer, Etta Thomas, Clyde Thompson, Albert Thomas and Karl Thomas should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

FILED
AUG 3 1903
COMMISSION TO FIVE TRIBES.

UMW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., July 29th., 1903.

In the matter of the application of Della Still, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Della Still, et al., Cherokee Freedmen, D--250,
Albert T. Thomas, Cherokee Freedman, D--249.

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in the above cases on July 1st., 1903, and asks that the same be forwarded to the Secretary of the Interior for review.

There is some testimony in this case to the effect that the alleged father of the two principal applicants in these cases was at one time a recognized citizen of the Cherokee Nation, or that his name was upon the roll of 1880. But the testimony in this case shows that he went to the State of Kansas where he was married, where these two principal applicants were born, and where the Commission finds they continued to live: Etta Thomas until 1896 or 1897, and Della Still until about 1887. After these two principal applicants were born in the State of Kansas, their alleged father and mother separated, he coming to the Cherokee Nation, and she remaining behind with these two girls in the State of Kansas, where she afterwards married a man by the name of Beecham, with whom these girls continued to reside until both of them married in the State of Kansas, and until the dates found by the Commission as hereinabove stated. We think the proof is quite clear that no permanent residence was ever made by either of them until long after both were married and had children born in the State of Kansas, and our contention is that it makes no difference if their alleged father, after the birth of these principal applicants separated from their mother, and came to the Cherokee Nation prior to 1880, by some means got his name put upon that roll. If the children never came here until the time found by the Commission, but always made their home with their mother in the State of Kansas, where they married and afterwards resided and had children born to them, they are not entitled to be enrolled as citizens of the Cherokee Nation, but were clearly citizens of the State of Kansas, and residents of that State, and upon their return here, like Cherokees by blood, if they desired rights, they should have memorialized the Cherokee National Council.

Respectfully submitted,

L B Bell

W W Hastings

J A Campbell

Attorneys for the Cherokee Nation

Cherokee Freedmen D
249 & 250.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 15, 1904.

FURTHER PROCEEDINGS had in the matter of the applications of ETTA THOMAS, et al., and DELLA STILL, et al., as Cherokee freedmen.

It appears that on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants do not appear in person or by attorney.
Cherokee Nation by its attorneys, W. W. Hastings and James S. Davenport.

ANDY FRYE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Andy Frye.
Q How old are you? A I am 69.
Q What is your postoffice address? A Ketchum.
Q You appear as a witness for the applicant in the case of Della Still, which was set for to-day, do you? A Well, it is all the same, I guess, it is her sister.
Q How long have you known Etta Thomas? A I have known her ever since she was a child.
Q How long have you known Della Still? A The same.
Q Did you ever know their father? A Yes, sir.
Q What was his name? A Jonas Ragsdale.
Q Do you know where Etta Thomas and Della Still were born? A Well, I don't know just exactly where they were born, when I saw them they were here.
Q In the Cherokee Nation? A Yes, sir.
Q Can you state just when that was you first knew them? A That was in, along about '68, when I first seen them children they were small.
Q You saw both Della and Etta in 1868? A Yes, sir, they moved and lived right close by me.
Q Where was that? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q In what district? A In Tahlequah district.
Q Who were they living with? A Their father.
Q Do you know anything about when they came to that place? A They came there along about 1868 or 1870, somewhere along there Jonas came there and lived there, but he was here before that time.
Q How long had you known their father, Jonas? A Ever since he was a boy.
Q Before the war? A Yes, sir.
Q Who did he belong to? A Doc Ross before the war broke out.
Q He went out? A Yes, sir.
Q When did he return? A In '66, in the Spring.
Q To what place did he come? A Down on Pryor Creek; lived there.
Q Did he bring his family with him at that time? A Yes, sir.
Q When did you say you first saw these girls in the Cherokee Nation? A Along about '70.

Q 1870? A '68 or '70, somewhere along there, Jonas lived right by me. He had them children's motherthen; they were small.
Q Were those two children born before the war? A No,sir, since the war.
Q Since the war? A Yes, sir.
Q About how old do you think they were, respectively, when you saw them in '68 or '70? A The oldest must have been two years, the other a little over a year.
Q You think it could not have been later than '70? A It may have been; I could not tell the date just exactly. But they had been living here all the time before that.
Q Did you say you knew where they were born? A No, sir, I don't know exactly.
Q. Didthey continue to live here from the time you saw them in '68 or '70 until the present time? A They lived with their father part of the time and have been in school part of the time in Kansas; they were with their mother while in school, and then with their father.
Q Where was Della Still married, if you know? A I don't know where either of them married; they have got grown and moved up on Caney; I don't know much about their whereabouts.
Q You don't know whether they continued to live in the Cherokee Nation or not when they left their father's? A Why, they lived in the Cherokee Nation. I came by their father's and seen them there, and he said he had just brought them from school.
Q And all the time while they were children, as you say, they made their home with their father, except when they were at school?
A Until they separated.
Q Untilthey become grown? A Yes, sir, Jonas and his wife lived right in a half mile of me and him and his wife separated.
Q Do you remember when they separated? A No, sir.
Q When Jonas came back here in 1866, as you say, did he bring his wife at that time? A Yes, sir.
Q Then how did it happen that she was back in Kansas? A After that, you see, the children went up there to school and stayed with her. After theyseparated here she went back to Kansas.
Q That was after they separated? A Yes, sir.
Q What place in Kansas didthey go to school? A I don't know, but he told me when I saw him that they was going to school.
Q Do you know where Della Still and Etta Thomas were living about 1880, when the 1880 roll was made? A No, sir.
Q Can you offer any explanation as to whether their names don't appear on that 1880 roll? A No, sir.

By Mr. Davenport:
Q Andy, do you know where Jonas Ragsdale and the mother of these children married? A No, sir.
Q Do you know what year they were married? A No, sir.
Q What was the first year you say you saw these children in the Cherokee Nation first? A I don't know whether it was 1870 or '78.
Q You mean '78? A Yes, sir, I don't know what date; it was '68 or '70, somewhere along there; they lived right close to me.
Q How long did Jonas Ragsdale and his wife, the mother of Della and Etta, live together in the Cherokee Nation, to your knowledge?
A It must have been about four or five years, I reckon.
Q Well, when they moved to the Cherokee Nation was both of these children born when they come to the Cherokee Nation after they were married? A They didn't come right to whereI lived then; Jonas come to Caney or somewhere, and afterwards come and made a place just in a half mile of me and had these children and their mother.
Q How old were the children at that time? A One was a small baby and the other could walk and talk some.

Q That, you think, was about 1860 or '70? A Yes, sir; somewhere along there.
Q How long did they livetogether after they moved down there before they separated? A Four or five years, right close by me.
Q Where did the mother go after they separated? A After they separated she stayed with me three or four months, and then she went up in Kansas; don't know where; Humboldt or Iowa, somewhere up in there.
Q Then the next time you saw these children was when, in the Cherokee Nation? A I saw them after that out on Caney, where Jonas lived; I came up there and he had the children; they were good big children then and he said they had come from school.
Q Did the mother continue to live in the Cherokee Nation after she and Jonas separated? A No, sir, she was here, backward and forward, but she didn't live here.
Q About how often would she come to the Cherokee Nation? A About once a year, I guess, sometimes they would bring the children to Jonas after school was out.
Q Was the mother living in the Cherokee Nation before-after-she and Jonas married? A I don't know.
Q Was she a freedwoman or a state woman? A State woman.
Q Don't you know that Jonas married the mother of these girls and married in Kansas? A I couldn't say where they married.
Q Don't you know they wasn't married until 1868, and don't you know that Jonas Ragsdale testified to that fact? A I just that might be that time; I couldn't tell.
Q Don't you know that these gilrs and the mother continued to live in Kansas until Della and Etta were married and afterwards? A They might have lived in Kansas, but I saw them here with their father.
Q Did they or did they not continue to live in Kansas from birth until they married their husbands, Albert T. Thomas and Harry Still? A I couldn't tell about that; I couldn't tell where they married.
Q You knew them, you say, all the time, where was their home? A I never saw the children but once or twice, and I saw them with their father.
Q He was living where then? A On Caney.
Q What year was that? A I couldn't tell, hardly, the day. I was just passing through there.
Q You were just passing by? A Yes, sir.
Q What year was that? A I tell you I can't tell.
Q Was it about the year of the Kerns-Clifton roll? A I think before that.
Q How long before, when Wallace was making his roll? A I think it must have been before that, I went out to see one of my children out there, and couldn't tell the date.
Q They were girls nearly grown? A Yes, sir.
Q When did you next see them in the Cherokee Nation? A I don't know; don't know whether it was before the Wallace roll or when; I guess it must have been.
Q When did you next see them after that? A Well, I think I saw them after that, but I couldn't tell just whereabouts and when it was.
Q About what year was it? A I guess it must have been after the Wallace Payment sometime; I saw them after his enrollment.
Q Well, now, when to your best knowledge did either one of these girls move to the Cherokee Nation and take up their residence? A I don't know; I couldn't say, because they were away from me.
Q When do you first recollect of knowing they were living in the Cherokee Nation with their family? A Well, I think it was after the Wallace enrollment, I think I saw them.
Q Don't you know it to be a fact that Etta Thomas and her husband, Albert, didn't move to the Cherokee Nation to live until after the 1894 Cherokee Strip Payment? A Her and her husband might have been down here.

Q I am not asking you about that. When did they move down here and take up their home? A I don't know when they took up their home.
Q You know they were not living here in 1890, don't you? A No, sir, I don't know where they lived in 1890, because I didn't see them at that time.
Q Where was Etta living when she married her first husband? A I don't know.
Q She had been married before she married Thomas? A Yes, sir.
Q Do you know his name? A It was pretty near Thomas, I believe.
Q It was Thompson, wasn't it? A Yes, sir, I believe so.
Q Where was she living with Thomas? A I don't know; somebody says Pryor Creek.
Q It was in Kansas, wasn't it? A I don't know.
Q Did you ever see Etta Thomas and her first husband living in the Cherokee Nation? A No, sir.
Q Did you ever see Etta Thomas and her husband Thomas living in the Cherokee Nation prior to the year 1894? A No, sir, I don't know her first husband; I didn't see him; just heard of him.
Q When did you know of Della and her husband living in the Cherokee Nation, what year? A Well, I couldn't say, because I don't know.
Q Was it before the Kerns-Clifton enrollment? A It must have been.
Q Was it before the Wallace enrollment? A I couldn't say now, I tell you; I didn't know Della's husband for a long time.
Q Who was she livng with as her husband at the time you first knew of her living in the Cherokee Nation? A I can't remember her husband's name.
Q Was it Groomer? A Yes, sir.
Q Do you know when they were married? A No, sir.
Q Was Groomer a state man or a freedman? A A state man, I think.
Q They came from Kansas, didn't they? A I don't know; when I seen them they were in Vinita.
Q When was it you saw them in Vinita? A I couldn't place the date.
Q Can't you estimate the years? A No, sir, I couldn 't for I don't recollect the date, the year they was there.

By the Commission:
Q You say when the father of these children returned to the Cherokee Nation after the war he returned to some point near where you lived? A No, sir; he moved out on Pryor's Creek somewheres; I lived over on the river.
Q I thought you said he returned to Grand river where you lived? A No, sir, he returned to Pryor's Creek in '66, and afterwards moved over on the river, where I lived.
Q And his wife was with him? A Yes, sir.
Q How long did he continue to live there? A Four or five years.
Q While he was living there, they separated? A Yes, sir.
Q And she went back to Kansas? A She stayed with me a while and then went back to Kansas; yes, sir.
Q During those four or five years, did these children live a part ofthe time with their father there near you? A Yes, sir, when they first separated he took the children.
Q And she went back to Kansas? A Yes, sir.
Q And how long did the children live with him? A She came back again and he gave the children to her.

Mr. Davenport: Were you present? A I just got the father's word.

Mr. Davenport: We object.
Commission: Objection will noted.

By the Commission:
Q Was it just an understanding, written or verbal? A It was just understood between them; he was to keep them a while.

Q Did she take the children? A Yes, sir, and said she was going to send them to school.
Q Did you see them with the father there by you any more? A I saw them with him on Caney.
Q Duringthe four or five years he lived thereby you they didn't come back there? A No, sir, he didn't stay there but about ayear after theyseparated and moved on Caney.
Q And after that time you have no definite knowledge as to where these children lived? A No, sir.
Q You just know you saw them different times on Caney at their father's house? A Yes, sir.
Q Do you know how many times you saw them there? A Twice, I think.
Q Before either of them was married, was it? A Yes, sir.

FRANKLIN ROSS, being fist duly sworn, testified as follows:

By the Commission:
Q What is your name? A Franklin Ross.
Q What is your age? A 57 years old.
Q What is your postoffice? A Hayden.
Q Do you live in Cooweescoowee District, Cherokee Nation? A Yes, sir.
Q Do you klaim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicants, Etta Thomas and Della Still? A Yes, sir, they are sisters.
Q Theyare sisters? A Yes, sir.
Q How long have you known them? A A good while; ever since they were little girls.
Q Ever since they were about how old? A Three or four years old.
Q You knewtheir father also? A Yes, sir.
Q What was his name? A Jonas Ragsdale.
Q And their mother? A Their mother was named Jane.
Q Their father was a Cherokee freedman? A Yes, sir.
Q Was their mother? A I don't think so; was not as I know of.
Q Who did their father belong to before the war? A Bob Ross, old man's son that I belonged to.
Q He went out during the war? A Yes, sir.
Q Jonas Ragsdale? A Yes, sir.
Q Do you know of your own knowledge when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In the spring of 1866.
Q To what place? A On Pryor's Creek on Dock Rider's farm.
Q Did you come at the same time he did? A I came a month before he did.
Q Who did he come with? A My father, William Ross, Sarah Ross, Charley Ross, Ben Foreman, Ellis Johnson, Henry Melton, Ike Brown--
Q Did Jonas Ragsdale's wife come back with him? A Yes, sir, his first wife was my sister; they married before the war.
Q But she wasn't the mother of these two children? A No, sir, she died in the winter of '66, and he martied this other woman.
Q About how long after his first wife died? A About, maybe a year; maybe not so long.
Q Do you know where these two children, Etta Thomas and Della Still, were born? A No, sir, they moved on Grand river after he married this last woman.
Q So far as you knew did Jonas Ragsdale continue to live in the Cherokee Nation after his return in '66? A So far as I know.
Q Do you know whether he did? A I have seen him off and on all the time.
Q Do you know anything as to the whereabouts of these children from the time of their birth until they were grown? A They stayed with their father some of the time, on Caney.

Q How long did Jonas Ragsdale live with this second woman? A I couldn't tell you.
Q Do you know whether or not they separated finally? A Yes, sir.
Q What became of her? A She come back there to her daughter's and died.
Q After she and Jonas separated where did she go? A Back to Kansas, and these children spent part of the time with their father and part with their mother.
Q Did their father ever live out of the Cherokee Nation after he went up on Caney, did he move over into Kansas? A Not as I know of.
Q Do you know when Etta Thomas was married? A No, sir.
Q Do you know where she was living at the time she married? A No, sir.
Q You don't know her husband? A No, sir, not her first husband.
Q Do you know when Della Still was married? A No, sir.
Q You don't know where she was living? A No, sir.
Q When did you first see these two girls living in the Cherokee Nation after each of them had married? A It has been about fifteen years, I guess.
Q Were they living here then? A Yes, sir, Della was living here then.
Q Della Still was living here? A Yes, sir, to her father's; she was living at her place on Caney.
Q She was living there all the time, was she? A I couldn't say about all the time.
Q She had a place there? A Yes, sir.
Q Etta Thomas was not there? A She was the one that had a place there.
Q You said Della? A Della was on Lightning Creek.
Q They were both living here, and on places, and were married some fifteen years ago? A Yes, sir.
Q And have they continued to reside here since that time? A Della has; I seen her all the time since then.
Q Do you know where these two girls were at the time the 1880 roll was made? A No, sir, I don't know.
Q Can you explain why they were not on the 1880 roll? A No, I couldn't.

By Mr. Davenport:
Q Frank, where was Jonas Ragsdale living when his first wife died?
A On Pryor's Creek.
Q Do you know where Jonas Ragsdale's mother was living at that time?
A She was living in Kansas, I suppose.
Q When your sister died, Ragsdale had returned? A Yes, sir.
Q After the death of your sister where did Ragsdale go? A I don't know; he was on Pryor's Creek.
Q He went back to Kansas, did he not? A I don't know.
Q You saw him quite frequently, about those times, didn't you?
A Yes sir, I saw him after my sister died; he went off and was gone about a year, I guess, and I saw him after that, off and on, all the time.
Q About when was it with reference to the year that he returned to the Cherokee Nation after the death of your sister, who was his first wife? A About what year after that?
Q Yes. A He went away, it must have been about '69 when he come back; wasn't gone long.
Q Did he have any children by his second wife when he come back?
A I never saw him just then; he lived on Grand river and I lived on Pryor's Creek.
Q You don't know where Della Still was born? A No, sir.
Q Do you know where Etta Thomas was born? A No, sir.

Q Have you any information whatever from either party as to where they were born? A No, sir, I never heard them say where they were born.
Q Have you ever heard Jonas Ragsdale say where the children was born or where he was married to his second wife? A I don't remember
Q What was his first wife's name? A Agnes.
Q You have seen Jonas Ragsdale first and last quite often in the Cherokee Nation since the close of the war? A Yes, sir.
Q How often have you seen Etta Thomas and Della Still in the Cherokee Nation since the close of the war? A It has been about fifteen years now, a good deal.
Q They were not born in the Cherokee Nation? A I couldn't say that.
Q How large were they when you first saw them? A They were little when I ~~first saw~~ first saw them.
Q That was about what year? A I don't remember now what year;they were smallchildren when I saw them.
Q I will ask you from that time did you ever see Etta Thomas in the Cherokee Nation any more until she and Albert moved to the Cherokee Nation? A I saw her on Caney at her father's.
Q Then when did you next see her in the Cherokee Nation? A I couldn't remember when the next time was.
Q Did you ever see her in the Cherokee Nation from the time she was a child until she was grown and married and along about the time of the Kern-Clifton payment? A Yes, sir, a good while before the Kern-Clifton payment.
Q Did you know Mandy Ridge in her life time? A Yes, sir, I saw her.
Q How long before the making of the Kerns-Clifton roll did you see them in the Cherokee Nation? A A good while.
Q I will ask you if it isn't a fat that Etta Thomas came in advance of her husband, Albert, to Vinita, in the fall of 1895 or '6, before Kerns-Clifton, and if Albert Thomas didn't follow her from Iola or Erie, Kansas to Vinita? A I don't know.
Q Or from some point in Kansas? A I don't know.
Q Did Etta Thomas and Albert Thomas, her husband, ever have their residence where they lived and made their home in the Cherokee Nation prior to July, 1895? A I don't know.
Q When did Della and her husband, to your knowledge, move to the Cherokee Nation after Della was married to Groomer? A It has been about 15 years.
Q She was grown at that time? A Yes, sir.
Q Did she, to your knowledge, from the time her mother and father separated up until the timeshe was grown and married ever have a permanent residence or a place which was her home and where she resided? A I don't know.
Q In fact you don't know anything about where the girls lived after the separation of the mother and father? A No, sir, I seen them with their father once or twice, but don't know where they lived.
Q What became of the mother after the separation? A She went back to Kansas.
Q The girls went with her? A Yes, sir.
Q And lived in Kansas until they were grown and married? A No, they were with their father part of the time.
Q Did they make their homw with their father? A They were there.
Q How long did you know of either one of them staying with their father in the Cherokee Nation? A I couldn't count the days.
Q How many times did you see them there during the time? A Twice.
Q That covered a period of about how many years? A I couldn't say.
Q It covered a period of from '69 or '70 until 1894 or '5, didn't it? A I couldn't say forcertain.

Q Were both of the girls there when you saw them, each time? A Etta wasn't there each time, but Della was; I seen her there twice.
Q As a matter of at Della came to the Cherokee Nation several years before Etta, didn't she? A I couldn't say; I seen Della more often than Etta.
Q Do you know what year Della and Groomer married? A No, sir.
Q They were married in the Cherokee Nation were they? A I could not say.
Q Where were Etta and Albert Thomas married? A I don't know.
Q They wasn't married in the Cherokee Nation, were they? A I couldn't say.
Q You have lived near Jonas Ragsdale for several years? A After he moved to Caney, I have.
Q When did he move there? A 20 odd years ago.
Q How far have you lived from him during the 20 years? A 24 or 25 miles.
Q How often have you been there or has he been at your place during that time? A I have been there sometimes.
Q And all the times you have been there you have just seen the girls there twice from the time of the separation until the girls were grown and married? A Yes, sir.

HARRY STILL, being first dulysworn, testified as follows:

By the Commission:
Q What is your name? A Harry Still.

Mr. Davenport: The representatives of the Cherokee Nation objects to this witness giving testimony in this case on the gounrds that he was at one time the husband of one of the applicants, and notwithstanding he is separated from her now, the rules of evidence in force in this country prohibits the husband from testifying for or against his wife during marriage or after separation as to any transaction having taken place.
Commission: Objection will be noted.

Q How old are you? A Close to 60.
Q What is your postoffice address? A Hayden.
Q You are an applicant for enrollment as a Cherokee freedman? A I believe so, yes, sir.
Q Do you know the applicants in this case, Etta Thomas and Della Still? A Yes, sir, I know them both.
Q What relation, if any, is Della Still to you? A None whatever.
Q Was she at one time your wife? A Yes, sir.
Q Are you separated now? A Yes, sir.
Q Are you divorced? A Yes, sir.
Q Who secured your divorce? A The court.
Q Who got the divorce, you orshe? A She got it.
Q How long have you known these two girls, Etta Thomas and Della Still? A Well, a little the rise of 20 years.
Q Do you know where they were born, either of them? A No, sir.
Q Do you know their father? A Yes, sir.
Q What was his name? A Jonas.
Q Jonas what? A Ragsdale.
Q Was he a Cherokee freedman? A I don't know; I don't know who he belonged to before the war.
Q When did you first know him? A The first time in '69.
Q Where was he living at that time? A I don't know where he was living, on Pryor's creek or on Grand river, but I saw him on Pryor creek.
Q Did he have a wife and family living with him at that time? A I don't know.
Q Did you know the mother of these children? A Yes, sir.

Q Was she a Cherokee freedman? A No, sir.
Q How long did she and Jonas live together after they were married?
A I don't know; I just want to make astatement about Etta.
Q Don't you know anything about Della Still? A Yes, sir, I know her.
Q Just state then what you know as to the continued residence in the Cherokee Nation of Etta Thomas and Della Still? A Etta Thomas has got a place right now on Caney, that Bub Trainor took away from her 10 or 12 years ao, and this Bub Trainor taken the place and is living right on it now; that place belongs to Etta now; she had a place before Della did and lived on it----
Q How long ago was it that she aqquired that place? A It has been fifteen years or more.
Q When did Della Still first move to the Cherokee Nation? A She married shortly after that and she had a place there and has been on Lightning Creek 12 or 14 years. Etta has a place right there and Bub Trainor took it away from her.

Mr. Davenport: The Cherokee Nation objects to this as incompetent, immaterial and irrelevant.
Commission: Objection noted.

Q Were these children grown when you first knew them, of their living in the Cherokee Nation? A No, sir.
Q Had they married when you first knew of it? A No, sir.
Q They were living with their father, on Caney? A Yes, sir.
Q How long ago was that when you first knew of their living there?
A It has been over 20 years ago; they was young ladies then; neither one of them married. Etta went off and when she came back she was married to a man by the name of Thompson. She made a place on Caney, she lived there and her husband got into a racket and separated. She then married this Thomas and lived with him a while and xx he was a cook, and he went from her to Iowa and Etta she stayed around with Della and her daddy and went to her mother's and from there to Iowa where her husband was.
Q Where was her mother? A In Shawnee or somewhere in Kansas.
Q Somewhere in Kansas? A Yes, sir, when Etta parted her mother wasn't here, and she got scared and went off to her mother and in the meantime she married Thomas, and went from here to Iowa and Etta finally abandoned the place and went to Iowa; that is, Bub Trainor took it away from her. And then Etta she came back here and bought another place and she has been living here ever since.
Q Has Della been out of the Nation since you first saw her here with her father? A The first time I saw her she was a young girl at her daddy's on Caney. The next time I saw Della she was married to a man by the name of Groomer and they made a place, it seems to me in '83, and lived there for several years, and finally moved to Lightning Creek and been there ever since.
Q Do you know where these two girls were living at the time the 1880 roll was made? A Della was here; it has been 23 years ago.
Q Do you know why their names do not appear on that roll? A It was an oversight; I am satisifed that Jonas told Link Foreman to put them on and Link didn't do it.

By Mr. Davenport:
Q You didn't know anything about the mother of these children before she and Jonas married? A I knew her in '62.
Q Where was she living then? A In Fort Scott.
Q Where was she living when Jonas married her? A I don't know whether in Shawnee or Fort Scott.
Q He got her at Iola didn't he? A I don't think so.
Q Where was Etta Thomas born and where was her mother living then?
A I don't know.

Q I will ask you if Della Still wasn't born at Erie, Kansas? A I don't know, only what I hear people say.
Q Now how long after Jonas and the mother of these two applicants were married until they moved to the Cherokee Nation? A Don't know that, sir.
Q When do you first recollect of having seen Jonas and his wife and these children in the Cherokee Nation? A Never did see his wife there.
Q Where was Jonas living at the time you remember seeing these children? A On Caney.
Q Had he married the third wife then? A He had then.
Q Didn't he have other children? A Yes, sir, Vian and Sophie.
Q Where was Della living when she married Groomer? A I don't know.
Q I will ask you if she wasn't living at Fredonia? A I think she was with Jonas; she was married at Claremore.
Q Was she married to anyone prior to marrying Groomer? A No, sir, Della was married at Claremore.
Q She married Groomer before she came to the Cherokee Nation, didn't she? A I don't know.
Q If she made the following answer to the following question, I will ask you if it is true: "Were you married at Cherryvale? A No, sir, Fredonia; we remarried here in 1890 and I have my license."? A That is the only one I know anything about.
Q You were married in 1887? A Yes, sir.
Q Is that true or untrue? A I guess that is true, I don't know.
Q Where was Etta Thomas and her first husband living when they were married? A I don't know that; the first time I knew Etta was with her xx father and not married.
Q How old was she then? A Young lady
Q How many days did you see her there? A No amount of days.
Q Did you see her more than once? A Yes, sir.
Q How often were you there? A Often.
Q Did she live with him a year or two years? A Etta lived there--
Q I aint asking you that; how long are you able to swear that Etta Thomas lived at any one time from the time of the separation of her father and mother up to the time she was married to Thompson, her first husband, in the Cherokee Nation? A I don't know; she used to come there to her daddy's place, but don't know how long she stayed.
Q Did she live with her mother in Kansas? A They say she went there.
Q How long did she live there? A Etta had a place on Caney.
Q Where did she live? A On Caney.
Q How long did you know she lived there? A Anumber of years.
Q Then if she says she lived in Kansas it is untrue? A I guess she lived there, yes, sir.
Q Don't you know she stayed there until she married? A No, sir, I have seen her here and not married.
Q How old was she when she married? A She was 14 or 15, I guess.
Q You never knew anything about her until she married? A Yes, sir.
Q Where? A At ~~Illinois-on-Caney~~ Jonas' on Caney.
Q When did he move on Caney? A Ever since he left Grand river.
Q About 20 years? A More than that.
Q Did Frank Ross say he lived there 20 years? A More than that; Clem Rogers will tell you that.
Q Where was she living when she and Albert Thomas were married? A I don't know, when I saw them again she married Thompson and lived on Caney.
Q I am talking about Thomas? A I don't know where she was living.
Q Then she went back to Kansas, didn't she? A I don't know, only she got Al Thomas and then he went to Iowa and she went up there.
Q When did she and Al Thomas come back to the Cherokee Nation to live? A In '96; Etta had a place on Caney, and just went up and came back to her place on Caney.

Q If she says she didn't own a farm on Caney, is that true or not?
A It is not true; she did own it.
Q Etta Thomas when asked the following question gave the following answer: "Well, you have owned these farms all of the time, have you; have you still the farm on Caney? A No, sir." ? A Certainly she didn't have it; because they took it away from her.
Q I am asking you about it, had------ A It was given to her.
Q Then she is mistaken, is she? A Yes, sir.
Q Wasn't Bub Trainor killed in 1897? A I think he was.

By the Commission:
Q After you knew of these girls having acquired places, as you say, in the Cherokee Nation, when they went away did they leave any property or effects of any kind, any household effects in the Cherokee Nation? A Yes, sir, Etta never did take her things away; she left her things and place rights there, because when Bub Trainor went in there with his winchester they went out and left everything.

Mr/ Davenport: The representatives of the Cherokee Nation object to the testimony and moves to strike out all pertaining to their running off.

Commission: Objection will be noted and testimony will be considered for what it is worth.

By Mr. Davenport:
Q What did she leave there? A She had bed clothes; wearing clothes
Q What else? A Things just like people do have.
Q What did she leave there? A She never took all her things away; she never had time.
Q What bedclothes or household goods did she leave to your own knowledge? A To my own knowledge she left the house and place.
Q Then when you answered awhile ago, you answered to something that wasn't true, did you? A She left some things.
Q Do you know of your own knowledge or to what she said? A I am testifying to what she said about the bedclothes.
Q Then you have no knowledge whatever of your own as to whether she left anything there? A Yes, sir.
Q What was it? A A place.
Q Household effects, I mean? A I am not positve.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above and foregoing cause and that the above is a true andcorrect transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 27th day of June, 1904.

Charles K Sawyer

Notary Public.

Cherokee Freedmen D 250.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 25, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DELLA STILL, ET AL., as Cherokee freedmen.

APPEARANCES:
The applicant by her attorney, W. J. Sullivan.
Cherokee Nation by its attorney, James S. Davenport.

By the Commission:
Comes now the applicant's attorney and requests permission to file marriage license and certificate showing the marriage, under Cherokee law, between G. W. Groomer and Dela Ragsdale, the certificate showing that the marriage ceremony was performed on the 22nd day of December, 1890. Also letters of administration issued to Deller Groomer as administratix of George Groomer, deceased, said letters being dated March 20, 1904, and issued by J. G. Schrimsher, Judge of the District Court of Cooweescoowee District, Cherokee Nation. Also a permit to employ a non-citizen of the Cherokee Nation issued to Mrs. Groomer by Joe M. LaHay, Clerk of Cooweescoowee District, Cherokee Nation, on May 14, 1894.

By Mr. Davenport:
The Cherokee Nation objects to the introduction of all the above named documents for the reason that they are immaterial and irrelevant and do not tend to prove any issue in this case.
By Commission: Said documents will be filed with the record in this case.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 25th day of July, 1904.

Charles W. Sawyer

Notary Public.

Muskogee, I. T., July 25, 1904.

Received of the Commission to the Five Civilized Tribes copies of Supplemental Proceedings had in the matter of the application of Della Still, et al., for enrollment as Cherokee freedmen, Cherokee Freedmen D 250.

Sullivan

Attorney for Applicants

Cherokee F-1478

Allotment F-4020
" F-4021
" F-4022
" F-4023

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I.T., December 16, 1905.

In the matter of the application for the selection of allotments and designation of homesteads in the Cherokee Nation for Etta Moore (enrolled as Etta Thomas) and her children, Clyde Thompson, Albert Thomas and Earl Thomas.

Louis T. Brown, being first duly sworn by William P. Drew, a Notary Public, and examined on behalf of the Commissioner, testified as follows:

Q What is your name? A Louis T. Brown.
Q What is your age? A Thirty-one.
Q What is your postoffice address? A Muskogee, Indian Territory.
Q You present here a power of attorney from Etta Moore (nee Thomas) authorizing you to represent her before the Cherokee Land Office. What is the reason she does not appear in her own behalf? A She's sick--female complaint.
Q Is she positively unable to cometo this office? A Yes sir.
Q What relation are you to Etta Moore? A First cousin.
Q How do you establish that relationship? A Her mother and my mother were sisters.
Q You desire to make application for selection in allotment for her? A Yes sir, and I desire to file also for her children.
Q How many children has she? A Three.
Q What are their names? A Clyde, Albert and Earl.
Q Are they all living? A Yes sir.
Q Living with her? A Yes sir.
Q It appears that Etta Thomas has married since the date of her enrollment; what is the name of her present husband? A William Moore.
Q Is he a citizen of the Cherokee Nation? A No sir, a citizen of the United States.
Q When was she married to him? A Something over two years ago--in the Fall of 1903.
Q Can you give the exact date ? A No, I only know the circumstances--she was living next door to me at the time of her marriage.
Q Has she and William Moore lived together as husband and wife from the date of their marriage to the present time? A Yes sir.
Q Where is the land you desire to select for them? A Some of it is East of Welch, some north of Vinita, some south of Vinita and I can complete their allotments somewhere in the Spavinaw country.
Q Does she own any improvements on the land you desire to select for her? A She owns improvements on the land that's East of Welch.

Q Is the other land you refer to public domain? A Yes sir.

Ira S. Niles, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case and that the above and foregoing is a true and complete transcript of his stenographic notes.

Ira S. Niles

Subscribed and sworn to before me this
the 16th day of December, 1905.

William L. Arnot
Notary Public.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Thomas, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Etta Thomas, et al.,	Cherokee Freedmen D 249
Della Still, et al.,	Cherokee Freedmen D 250.

-: D E C I S I O N :-

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by Etta Thomas for herself, her minor children, Clyde Thompson, Albert Thomas and Earl Thomas, and for her husband, Albert T. Thomas, (by intermarriage); and by Della Still for herself and minor children, Willie Groomer and John Delmar Groomer. As the application for the enrollment of Albert T. Thomas has been heretofore disposed of, his rights to enrollment as a Cherokee freedman by intermarriage will not be considered in this decision.

The record further shows that on July 1, 1903, this Commission rendered its decision enrolling the applicants herein as Cherokee freedmen, and that the proceedings in this case were duly forwarded to the Department; and that, thereafter, on April 14, 1904 (Departmental letter I. T. D. 1494-04), this case was remanded by the Department for further testimony, and on June 15, and July 15 and 25, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and are the descendants of one Jonas Ragsdale, who is identified on the Cherokee authenticated tribal

roll of 1880, and it is presumed from this enrollment that the Cherokee Nation recognized that the said Jonas Ragsdale complied with the terms of the treaty of 1866.

The evidence further shows that the said Etta Thomas and Della Still lived with their parents in the Cherokee Nation during the later 60's and early 70's; that during the early 70's their parents separated, and they were taken by their mother to Kansas, and that from said date until they reached their majority, their time was about equally divided between their mother's residence in Kansas and their father's residence in the Cherokee Nation; that since reaching their majority, the said Etta Thomas and Della Still have continuously resided in the Cherokee Nation, have owned valuable property therein, and have been recognized as citizens of said Nation by the Cherokee authorities; and that the minor applicants herein are the children of the said Etta Thomas and Della Still, and have resided with their mothers continuously since birth.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Etta Thomas, Clyde Thompson, Albert Thomas, Earl Thomas, Della Still, Willie Groomer and John Dalmar Groomer, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 28 1905.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Albert T. Thomas,
Vinita, I.T.
Cherokee F-D-249
Register.

(C O P Y)

Land
47214-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON. June 24, 1905

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Willis Starr for himself and his minor children, Jimmie, Lucy, Nora, Tyre and Emma Starr and for Viola Starr, an illegitimate child of the applicant, Emma Starr.

June 16, 1905, the Commission decided favorably to Viola Starr and adversely to all the other applicants.

The record does not show that the principal applicant was the slave of a Cherokee citize but it does show that he was living in the State of Texas at the beginning of the war of the rebellion and that he did not return to the Cherokee Nation on or before February 11, 1867. The other applicants, except Viola Starr, are children of Willis Starr and possess no rights to enrollment other than as his descendants. It is shown that the applicant, Viola Starr, is the illegitimate daughter of Emma Starr and Andy Vann; that she wasborn in the Cherokee Nation and has continuously resided therein. Andy Vann is identified on the 1880 authenticated

Cherokee roll, but none of the applicants is so identified.

In view of the record the approval of the Commission's decision favorable to Viola Starr and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.

W.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-249.

Muskogee, Indian Territory, June 28, 1905.

Etta Thomas,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, W. J. Sullivan, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-51
Register

Refer in reply
to the following:
Land.
50927-1905
55793-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON. August 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Etta Thomas for herself and her minor children, Clyde Thompson and Albert and Earl Thomas; and by Della Still for herself and her minor children, Willie and John Delmar Groomer.

June 28, 1905, the Commission decided favorably to all the applicants.

The record shows that all the applicants were born since 1866 and are the descendants of one Jonas Ragsdale who is identified on the 1880 authenticated Cherokee roll.

It is further shown that Etta Thomas and Della Still lived with their parents in the Cherokee Nation during the later 60's and early 70's; that during the early 70's their parents separated and they were taken by their mother to Kansas, and from that date until they reached majority their time was equally divided between their mother's residence in Kansas and their father's in the Cherokee Nation; that since reaching their majority Etta Thomas and Della Still have continuously resided in the Cherokee Nation, have owned valuable property therein and have been recognized as citizens of the

Nation by the Cherokee authorities; that the minor applicants are the children of Etta Thomas and Della Still and have resided with their mothers' continuously since birth.

There is also enclosed a letter from the attorneys of the Cherokee Nation dated July 15, 1905, transmitting a brief on behalf of the Cherokee Nation in this case, which has been duly considered.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.V.
W.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 9948-1905

September 9, 1905.

IRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Etta Thomas and her minor children, Clyde Thompson and Albert and Earl Thomas, and for the enrollment of Della Still and her minor children, Willie and John Delmar Groomer, as Cherokee freedmen, including its decision of the same date, which was favorable to all the applicants.

Reporting August 8, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department has considered a protest in the case filed by the attorneys for the Cherokee Nation. The Recommendation of the Indian Office is concurred in and the decision of the Commission is affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-249.

COPY.

Muskogee, Indian Territory, September 19, 1905.

Etta Thomas,

Vinita, Indian Territory.

Dear Madam:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of yourself and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

You are further advised that you will not be permitted to make allotment selections for yourself and minor children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

(SIGNED)

W. O. Beall

Acting Commissioner.

LS

Cherokee Freedmen

D-240, et al.

COPY.

Muskogee, Indian Territory, September 10, 1905.

Edgar Smith,

Attorney for Etta Thomas, et al.,

Vinita, Indian Territory.

Dear Sir:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 20, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Wm. O. Beall

Acting Commissioner.

LS

Incl. S-16

Cherokee Freedmen

D-249, et al.

COPY.

Muskogee, Indian Territory, September 19, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

For your information there is inclosed herewith a copy of the departmental letter referred to.

Respectfully,

SIGNED

Wm. O. Beall

Acting Commissioner.

LS

Incl. 8-17

Cherokee Freedmen

No. 1478. COPY.

Muskogee, Indian Territory, September 27, 1905.

Etta Thomas,

Vinita, Indian Territory.

Dear Madam:

This office is in receipt of your letter dated August 25, 1905, and received September 13, 1905, advising that you have employed Louis T. Brown of Muskogee, Indian Territory, to represent you in the matter of your application for enrollment as a Cherokee freedman, and in the matter of the selection of allotments of land for yourself and children.

Your letter has been noted and filed.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

LC

D. C. 33272

Vinita I.T.

Aug-3-1906.

Dawes Commisson

Muskogee I.T.

Enclosed you will find marriage License and certificate as you ask for You Will Find in The Marriage Licens my na me is only given as May Thomas But you will find I am enroled as Etta Thomas on Freedmen Rool 4020-Certificate No. 35903 May is My middle name and I were married as May --But Enrolled as Etta Tho as My full name is Etta May Thomas and my Husband is name William A. Moore But uses Bud Moore as a nick name You will please Forward my Licens Back to me.

Yours Resp

Etta Moore

Vinita I.T.

(DC O P Y)

D. C. 48521-1905 Y.P.

I.T.D. 7774-1905 LLB

L R S DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Willis Starr for the enrollment of himself and his minor children, Jimmie, Lucy, Nora, Tyra and Emma Starr, and for Viola Starr, an illegitimate child of Emma Starr, as Cherokee freedmen.

Reporting June 24, 1905, the Indian office recommended that the Commission's decision, adverse to all the applicants, except Viola Starr, be approved.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

A copy of the Indian office letter is inclosed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary.

1 inclosure

Cherokee Fr.
D-865

COPY.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Willis, Jimmie, Lucy, Nora, and Tyra Starr and Emma Cooper, and granting the application for the enrollment of Viola Starr, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on the 19th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Commissioner.

Encl. J-15

Cherokee Freedmen

COPY.

D 865.

Muskogee, Indian Territory, October 31, 1905.

Willis Starr,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized tribes, dated June 16, 1905, rejecting the application for the enrollment of yourself and children, Jimmie, Lucy, Nora, Tyra and Emma Starr, and granting the application for the enrollment of your grandchild, Viola Starr, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 19, 1905.

You are further advised that you will not be permitted to make an allotment selection for your grandchild, Viola Starr, until her name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tams Bixby

IS

Commissioner.

COPY.

Cherokee Freedmen

D 865.

Muskogee, Indian Territory, October 31, 1905.

Edgar Smith,

Attorney for Willis Starr, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Willis, Jimmie, Lucy, Nora, Tyra and Emma Starr, and granting the application for the enrollment of Viola Starr, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 19, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Commissioner.

LS
Incl. S-53



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

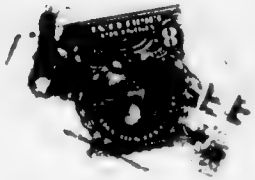
Penalty for private use, $300.

Mr. Albert T. Thomas,

~~Vinita,~~ Indian Territory.

REGISTERED
JUL 1 19
VINITA, IND. TER.

f the Interior.
e Five Civilized Tribes,
JCEE, IND. TER.





Cher Fr 1479

Trans. from Cher Fr D250

Cher Fr 1479

DEPARTMENT OF THE I
COMMISSION TO THE FIVE CIVILIZED TRIBES

14 1901

R.R. 23-0

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Della Still for the enrollment of herself and two children as Cherokee Freedmen.

Della Still, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Della Still.
Q How old are you? A 31.
Q What is your post office address? A Vinita at present.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody but yourself? A My two children.
Q What are the names of your children? A Willie Groomer.
Q His name is not Still? A No, sir.
Q What is the name of the next child? A John Delmer Groomer; he is 9 and Willie is 11.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Harry Still.
Q Is he a citizen? A Yes, sir.
Q You don't apply for his enrollment then? A No, sir.
Q Were you ever married before? A Yes, sir.
Q What was your former husband's name? A George Groomer.
Q Is he living? A No, sir, he died in 1893.
Q Does your name appear upon the roll of 1880? A No, sir, on the Kerns-Clifton roll and Wallace.
Q What is the name of your father? A Jones Ragsdale.
Q He is living? A Yes, sir.
Q What is the name of your mother? A Jennie.
Q Is she living? A No, sir, she died at my house.
Q Are these children living at this time, that you apply to have enrolled? A Yes, sir.
Q Your name is on the Kerns-Clifton roll as what? A Della Groomer nee Ragsdale.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kerns-Clifton roll examined, and the applicant Della Still found thereon, page 102, No. 2551, Coowescoowee district, as Della Groomer.
Willie Groomer on page 102, No. 2552, Coowescoowee district, as Will Groomer.

Q Do you recollect whether you drew for John D.? A No, sir, I didn't draw for him.

The Wallace roll examined, and the applicant Della Still identified thereon, page 159, No. 35, as Della Groomer; district, Thayer, Kansas; note on roll; see later in testimony.

By Edgar Smith, attorney for applicant: Who was your father?
A Jonas Ragsdale.
Q Is the Jonas Ragsdale who just testified in your sister, Mrs. Thomas' case? A Yes, sir.
Q Do you know whether he is on the 1880 roll or not? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jonas Ragsdal found thereon, page 165, No. 3433, Coowescoowee district, as Jonas Ragsdale.

Q How long since your mother died? A She died in 1895.
Q Where did she die? A She died at my house on Lightening Creek.
Q Did your father and mother separate? A Yes, sir, separated when I was small.
Q Where do you live? A I am at Vinita now, I live at Lightening Creek, that has been my home.
Q Have you a farm? A Yes, sir.
Q Where is it? A Right west of Lightening.

Q How long have you lived? A Ever since '90.
Q How long have you lived in the Cherokee Nation? A I have lived here the most of my life.
Q Have you lived anywhere else than the Cherokee Nation; if so where? A Off and on, when I was small my mother and father separated and my mother taken us and then when we were old enough we went to school and we came backwards and forth to see our father; we married quite young and lived here and have been here ever since.
Q Where did you go to school? A Cherryvale.
Q That is in Kansas? A Yes, sir.
Q Where did your mother go when she separated from your father, to what state? A Kansas.
Q About how old were you when you came back to the Cherokee Nation permanently? A Why after I married I came here and I have been here ever since then.
Q How old were you when you married? A 17.
Q While you were yet small did you spend any part of the time with your father, or were you with your mother all the time? A I spent a good part of the time with my father.
Q Where was he? A He was on Caney at the time there.
Q Where is that, in the Cherokee Nation? A Yes, sir west of here

By W.W.Hastings, Cherokee Attorney: When did you first go to Caney, when did you first visit your father on Caney? A I don't remember the first time I visited my father because I was small.
Q How old were you? A I dont know how old the first time.
You were old enough to travel alone, were you? A Yes, I was old enough to travel alone.
Q You married when you were 17? A Yes, sir.
Q You were born in 1870? A Yes.
Q And you were married in the year 1887? A Yes,sir.
Q What time of the year? A October.
Q You married at Cherryvale? A Fredonia; we married here in 1890 and I have my license.
Q How long did you stay up there after you married? A Stayed till after the first child was born and then came here.
Q What is your first child's name? A Willie, he is 15.
Q About how old was that child; about what year did you come here; how long after you married before you came down here? A After the first child was born, I tell you, and he is 15 now.
Q Soon after he was born; it was yet a baby? A Yes, sir.
Q During the Wallace enrollment you lived in Kansas? A He couldn't walk at that time.
Q I say during the Wallace enrollment? A I was at Kansas, but I was backwards and forth.
Q That was in 1889? A Yes.
Q You were yet living in Kansas; your postoffice then was Thayer, Kansas? A Yes, sir.
Q How far is Thayer from Fredonia? A About 22 mile.
Q Was your husband back there? A He isn't a Freedman.
Q You have been married but the one time? A The second time.
Q You and your first husband separated? A No, he died on this farm when this Delmer was a year and four months old.
Q Where did he die? A He died at Vinit .
Q During the Wallace payment? A He died in 1893.
Q That was after you had moved down here? A Yes, sir.
Q Where were you married the second time? A Which you mean, married to this man I was married to, George Groomer.
Q Have you been married again? A Yes, sir.
Q What is his name? A Harry Still.
Q Where were you and he married? A At Chelsea.
Q Is that the Harry Still lives out at Chelsea? A That is the Harry Still.
Q When were you married to him? A 1898.
Q The fact of the business is, from your earliest recollection you made your home with your mother? A No, I have always called

this my home.

Q Did you live with your mother? A I lived with my mother part of the time.

Q You say your mother died at your house in the Cherokee Nation?

A Yes, sir.

Q In 1895? A Yes, sir, on Lightening Creek.

Q Now before your marriage what is the longes that you ever stayed with your father at any one time? A I don't know as I remember the longest time I have stayed, I used to come down and stay three or four or five months at a time.

Q Visit him and then go back to your mother? A Go backwards and forth; she sent us to school as long as she was able and then we came down and visited father.

Q Your father was married to another woman? A Yes, sir, this woman he has now.

Q Your mother ever re-marry? A Yes, sir.

Mr. Hastings: I would like to call attention to the note opposite Della Groomer.s name on the Wallace roll, page 159, which reads as follows:

Mr. Smith: I object to it.

Mr. Hastings: (Reading) "The child of Jonah Ragsdale, No. 272, but as she has always lived in Kansas and was not "given in" by her father in his enrollment of his family, it is necessary that further proof shall be furnished from her father as to her mother or whether she was not referred to in his enrollment."

Mr. Smith: I object to it upon the ground that we are concluded by the fact that they did enroll her.

Mr. Hastings: The Cherokee Nation want to call attention to the further fact this roll is not a conclusive roll, and further, that at the head of the page upon which the name of Della Groomer appears, being page 159, is "Questioned List;" and that opposite the name of Della Groomer on the same page in the column under the word "Residence" appears "Kansas, Thayer."

Commissioner: The roll is not conclusive evidence of citizenship anyhow.

Mr. Smith: That testimony is further objected to upon the ground that the reference made seems to refer to the proceeding or application upon the part of the father of Della Groomer, to which she does not appear to have been a party, and by which she could not have been bound.

Mr. Hastings: That is an unfair objection, for the reason that this very memorandum shows that her father did not enroll her, but she enrolled herself, and that she was a party; that is the objection made out here, that her father didn't enroll her.

Commissioner: The record can be produced when the case is finally concluded.

Mr. Smith: I want to make the statement of her father in the former case made a part of this case, and also her sister.

Commissioner: (To applicant) These children are both living are they? A Yes, sir.

Commissioner: Della Still applies for the enrollment of herself and her two children, Willie and John D. Groomer, as Cherokee Freedmen. She and her two children, Willie and John D. are identified upon the Kerns-Clifton roll, and she is identified in addition upon the Wallace roll. She avers that she is now married to one Harry Still; that she was previously married to one George Groomer, now deceased, who was the father of the two children. Her name cannot be found upon the authenticated roll of 1880 and the census roll of 1896, The said

Della Still and her two children, Willie and John D. Grocmer will be listed for enrollment as Cherokee Freedmen on a doubtful card for further consideration of the matter. When a decision of the Commission is arrived at, the applicant will be advised of the same by mail.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of May, 1901.

Commissioner.

VB. I.T.D. 200

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
[illegible] 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10, 1904

Post Office Tahlequah I.T.

District Coo.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Alexander Brown Citizenship .....

Mother Della Still Citizenship .....

1. Name of wife Della Still Age 31

Owner's name ..... Citizenship .....

Year 96 Page 102 No. 2351 District Coo

Parents:

Father Jonas Ragsdale - living Citizenship .....

Mother Jennie " - dead Citizenship .....

Names of Children:

2. Willie Brown Year 96 Page 102 No. 2352 Dist. Coo 13

3. John D. " Year — Page — No. — Dist. — 9

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer B.C. Jones.

1 " Lucy C. Coleas " Della Brown "

2 " Wallace " " 159 " Della Brown "

35

3. Aff. of birth required

Nov 1, to 1 - 47

Mellette & Smith Attys for applicant

*****

File with case of Della Still, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Etta Thomas for the enrollment of herself, her husband and three children.

Etta Thomas, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Etta Thomas.
Q How old are you? A 32.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A My husband and three children.
Q Why isn't your husband here himself? A He isn't here on the ground, he is in Vinita.
Q If your husband is the head of the family he ought to make the application himself for enrollment; what is his name? A Albert T. Thomas.
Q How old is he? A 34.
Q What is your post office address? A Vinita.
Q Is he a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the roll of 1880? A No, sir, my father Jonas Ragsdale does.
Q What is your mother's name? A Jennie.
Q Are they living? A No, sir, she is dead.
Q You say your name is on the roll of 1880? A No, sir.
Q ~~You said~~ your father's name is on the roll of 1880? A Yes, sir.
Q Your mother's? A No, sir.
Q Is Albert Thomas a non citizen? A Yes, sir.
Q Where were you married to him? A (Exhibits paper).

By W.W.Hastings, attorney for Cherokee Nation: Is your father in the tent? A Yes, sir.

Mr. Hastings: I would like for him to be placed under the rule during this cross-examination.

Commissioner: Applicant presents a duly authenticated marriage certificate and proof of marriage certifying that she was married to one A. T. Thomas, a citizen of the United States, according to the laws of the Cherokee Nation, on the 31st of June, 1893.

Q What are the names of your children? A Clyde is the oldest.
Q How old is Clyde? A 16.
Q The name of the next child? A Albert Thomas.
Q How old is Albert? A Nine; then Earl.
Q How old is Earl? A 7.
Q Any others? A That is all.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Where were you born? A Iola, Kansas.

By Edgar, Smith, attorney for applicant: Where do you live now? A Vinita.

Q How long have you lived here? A In Vinita, about two weeks.
Q Where were you living before you came to Vinita? A Near Chelsea.
Q You are the daughter of Jennie Ragsdale? A Yes, sir.
Q How long did you live near Chelsea or at Chelsea? A About five years or four years, between four or five.
Q How old did you say you are? A 32.
Q Where have you lived during your wife? A I have lived here most of the time.
Q Where do you mean by here? A In the Indian Territory.
Q In the Nation? A Cherokee Nation.
Q

Q Well, if you have been out at any time state for what purpose?
A Why, I have been out to school.
Q When were you out at school, how long ago? A Not since I was 14
Mr. Hastings: What did you say your mother's name was? A Jennie
Q Was she a white woman or a colored woman? A She was a colored woman.
Q You were born at Iola, Kansas? A Iola.
Q Your father up there at the time? A When I was born, I can't say.
Q Did your father ever live in Kansas? A Not that I know of.
Q When you were old enough to remember, was he living up there?
A No, sir.
Q When you were old enough to remember you were up in Iola, Kas.?
A No, sir.
Q Where were you living when you can first remember? A Here on Grand River.
Q Where? A On Grand River.
Q Yes I know, but with whom? A My father and mother.
Q Then your mother lived on Grand River, did she? A After she and my father were married, of course.
Q But you were born at Iola, Kansas? A Yes, sir, where my mother was visiting my grandmother.
Q Had she been living there prior to that time? A Yes, sir.
Q Before your birth? A Yes, sir.
Q Who were your neighbors here on Grand River? A Andy Fry and Gus Buffington.
Q About how old were you when you went back to Kansas? A About four or five years old.
Q Your mother living then? A Yes, sir.
Q Did she go back to Kansas with you? A Yes, sir.
Q To Iola? A No, sir.
Q What place in Kansas? A I can't say.
Q You don't know what place you went back up there to,to remain, live? A No, I can't say, because my mother and father separated about that time.
Q You lived with your mother? A Yes, sir.
Q And stayed with your mother? A Part of the time.
Q What place in Kansas did your mother locate? A Cherryvale.
Q Is your mother yet living? A My mother is dead.
Q When did she die? A About 6 years ago.
Q You lived with her until the time she died? A No, sir.
Q You were not up there with her? A No, sir, she was here.
Q How long had she been here when she died? A About two years.
Q She came from Cherryvale down here; did she or not? A No,sir.
Q Where did she come from when she came down here? A Wichita.
Q Did you come with her? A No, sir.
Q In what year did you marry? A In 1893.
Q Who married you? A John Adams, a Delaware minister.
Q Have you ever been back to Kansas since 1893? A Yes,sir, I have visited Kansas.
Q Where is your husband? A He is in Vinita.
Q Have you and your husband ever lived in Kansas since your marriage? A No, sir.
Q What is the longest that you have ever been un in Kansas with your husband since your marriage? A About three months.
Q What was he doing? A Cooking at a hotel.
Q What place? A He was cooking at Wichita.
Q How many times has he been up there since '93? A I can't say.
Q The fact is, he has been living up there all the time?
A No, sir.
Q How much of your time have you actually resided in the Cherokee Nation? A Since 1893?
A Since 1893? A Most of the time.

Q Where did you reside the first year of your marriage? A Here in the Territory.
Q Where at? A Near Caney
Q On a farm? A Yes, sir.
Q Make a crop up there? A Yes, sir.
Q Where did you reside the next? A Near Caney.
Q Do you know that you resided there the first two years?
A Yes, sir.
Q Where did you reside the next? A I visited my mother.
Q Where? A In Wichita.
Q How long did you remain up there with her? A About three months.
Mr. Smith: Have you any property in the Cherokee Nation? A Yes, sir, I have.
Q What? A I have got a farm.
Q Where is it? A Near Chelsea.
Q How long have you had it? A About six years.
Q Is that the first farm you ever owned in the Cherokee Nation?
A No, sir.
Q Did you own one before that or since? A I owned one before that.
Q Where? A Out on Caney .
Q How long since you first owned a farm out on Caney, when did you first get a farm out on Caney, about how long ago? A In 1891 or '2.
Q Well, you have owned these farms all of the time have you; have you still the farm on Caney? A No, sir.
Q When did you sell that? A Bud Trainor taken it away from me, jumpedit.
Q The farm you own now is near Chelsea? A Yes, sir.
Q Are you on the Kerns-Clifton roll? A Yes, sir, and on the Wallace roll.
Q Have you ever had anything to do with the Cherokee Courts in any way? A No, sir.
Mr. Hastings: From whom did you purchase your first improvement; make it or buy it? A We made it.
Q After your marriage? A My father gave me the claim and my husband improved it.
Q That was after you married? A Yes, sir.
Commissioner: Were you ever married before you married Albert Thomas? A Yes, sir.
Q What was your first husband's name? A Brandon Thompson.
Q What is this oldest boy, Clyde, what is his name? A His name is Thompson, Brandon was his father.
Q What is Albert's name? A Thomas.
Q Earl is named Thomas? A Yes, sir.
Mr. Hastings: Where were you first married? A Cherryvale.
Q What was the occupation of your husband? A He was an engineer.
Q Where was this oldest child born? A Here in the Territory near Caney.
Q When were you first married? A In 1883.
Q Where was the second one born? A Near Caney.
Q You were living on your farm at that time? A Yes, sir.
Q Who were your neighbors near Caney, who lived on adjoining farms?
A Rab Rogers and Huse Rogers.

The 1880 authenthenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 108, No. 2547, Hetta Ragsdale.

Q Is your name Hetta or Etta? A Etta, that is my proper name.
Clyde Thompson on page 108, No. 2548, Coowescoowee dist.;
Albert Thomas on page 108, No. 2549, Coowescoowee district, as Clyde Thompson;
Earl Thomas on page 108, No. 2550, Coowescoowee district, as

Earl Thomas on page 102, No. 3550, Cooweescoowee district, as Earl Thompson.

Q The two younger children, Albert and Earl, are named Thomas?
A Yes, sir. I think my name is Thomas on the Wallace roll.

The Wallace roll examined and the applicant identified thereon page 142, No. 8979, Ettie Thomas, Delaware district.

Jonas Ragsdale, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jonas Ragsdale.
Q How old are you? A I am about 60 years old.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Mr. Smith: Have you any children? A Yes, sir.
Q What are their names? A Della and Etta.
Q Are they married or single? A They are married.
Q What are their names now? A Etta Thomas and Della Still.
Q How old is Etta? She is about 30 or 31, somewheres along there.
Q How old is Della? A She is 30, as near as I can recollect.
Q Who was their mother? A Jennie.
Q Jennie who? A Jennie Ragsdale, that is what her name was then.
Q Was she your wife? A Yes, sir.
Q Where were you living at the time Etta was born? A Well, I was stopping a while in Iola.
Q Where were you during the war? A I was in the army during of the war.
Q Well, after the war where did you go? A I came on down here after the war in 1866.
Q Where? A To the Nation.
Q How long did you live then in the Cherokee Nation? A I been living here all the time, off and on.
Q When did you marry the mother of these two girls? A I think it was in '68 I think; I think it was in '68'
Q Have you ever, since the time you came back here after the war, lived permanently out of the Cherokee Nation? A Why, no sir.
Q How long did you and this woman live together, themother of these two girls? A I forget now just how long it was.
Q Did you ever separate? A Yes, sir.
Q When? A I don't know what year that was either.
Q About how long ago has it been? A It has been a good while ago.
Q Tell us about how long it has been? A ~~Its was has was ago good while~~ Well it was somewhere in 1880, but I don't recollect just what month it was.
Q Nor exactly what year it was? A No, sir.
Q Where did her mother live, your wife's mother, at the time Etta was born? A She was staying at Iola when she was born, she went up there to where her mother was.
Q How long did she stay up there? A She stayed there till she got well.
Q And then came back to the Nation? A Yes, sir.
Q Well then how much younger is Della than Etta? A Well, there is nearly two years difference between the children.
Q Where was Della born? A She was born at Erie.
Q Erie what? A Kansas.
Q How long was your wife at Erie? A She was there, she stayed there till she got well and up and all right.
Q Why did she go there? A Her mother was living there and she would go where her mother was to wait on her and attend to her.
Q Well, where did your wife go after you and she separated?
A She went back to Kansas.
Q Where did you go? A I stayed here.

Q Do you know how old these two children were at the time you and your wife separated, about how old they were? A I think Della was four or five years old; nots Della, Etta.

Q After your separation what became of the children? A Well, she taken them with her, they went with her and stayed with a while till they got big enough and went to school and then back to me to stay with me a while.

Q They stayed part of the time with your wife and a part of the time with you? A Yes, sir, that is the way they done, and they were going to school there in Kansas.

Q And about how old were they went they returned to the Cherokee Nation, that is permanently, when they came back to stay? A I think the youngest one was 12 and the other one was 13, I think.

Q Who was your owner? A Robert Ross.

Q Where did he live? A Lived here in the Nation, down here at the old asylum.

Q Was he a Cherokee? A Yes, sir.

Q A citizen of the Cherokee Nation? A Yes, sir, Lewis Ross. son.

Q You were in the army during the war? A Yes, sir.

Q What time did you come back here to the Cherokee Nation? A I came back in the spring of '65.

Q To the Cherokee Nation? A No, I come back in the spring of '66; I thought you meant out of the army.

Mr. Hastings: Who was your first wife? A Agnes.

Q Agnes what? A Ross.

Q She was your first wife after the war? A I lived with her until she died; she died in '67.

Q Then you married the mother of Etta? A Yes, sir, afterwards.

Q Who married you? A Well, I don't know, there was a preacher that married me but I done forgot his name.

Q You never did know his name? A Yes, sir, I know his name right then, but then it has been so long I have forgot it, I never kept track of it.

Q Where were you married to her? A Down in Iola

Q In Iola, Kansas? A Yes, sir.

Q That was what time of the year '67? A It was in '68 I think.

Q What time of the year? A I don't know, it was along in the fall.

Q How long had you been at Iola at that time? A I had been there not long, I was just traveling and after my wife died, my mother was up there, and I went back and forth to see her, and that is what I was doing up there then, I would go and stay a week or two and come on back down home.

Q How long after your marriabe before this first child was born?

A It was about 12 months I guess, hadn't been long.

Q Your wife never was down here before that first child was born?

A No, sir, she never came down.

Q She wasn't here before the second one was born? A Yes, we had been down here, and she had went back before the second one was born.

Q Where did you come to with her, where did you live here? A We lived down here on Pryor Creek down in there.

Q That was before your second child was born by her? A Yes.

Q On whose place did you live onPryor Creek? A Stayed on my own place, I had a place on Pryor Creek then; stayed there a while and went back.

Q About how long did you stay there with this woman? A I don't know, I can't tell you how long, I never kept track of the time.

Q But you went back to Kansas with her? A Yes, I went back up there and I never stayed long at a time, I came on here.

Q After the secondchild was born did this wife of your come down here? A Yes, sir, we she came on down here.

Q Where did she come to then? A We stopped on the river up here, a while.

Q You owned that place yet on Pryor Creek? A No, I didn't own the place then.

Q I mean you did then? A Yes, I had a place on Pryor Creek then.

Q At the time you and your wife came back and stopped on the River?

A Yes, sir.

Q How long did youlive with this woman? A I don't know just exactly how many years I lived with her.

Q About how long, to the best of your knowledge?

A I don't know how many years, I never kept account of it.

Q Four or five? A I don't know.

Q Now just your best judgment? A I know Della was small.

Q About how old was she? A Who, Della; I don't know, don't think she was over a year old, or a year and a half.

Q Now where were you when you and your wife separated? A I was staying out here on the river.

Q With whom? A Just living there on my own place, I have got a place out here.

Q Who were your neighbors out here? A All the Beans and Andy Fry

Q You were living right in that settlement when you separated?

A Yes, we were living there when she went back to Kansas.

Q And took these two children with her? A Yes, sir.

Q These children stayed up there until they married, with their mother? A yo, they came down here, they traveled, they would come down and see me and then go back.

Q How long did they ever stay with you at one time? A I don't know how long they stayed with me, I never kept no count of the time, how many months.

Q How long after you separated from your wife until you married again? A I don't know that either, I don't know what time it was, it was a good while before I married.

Q About how many years? A I can't tell just exactly, two or three years I guess.

Q Now Etta was married up in Kansas, wasn't she? A Yes.

Q She was living there at the time wasn't she? A Well, she was staying there with her mother.

Q And her mother died in Kansas? A No, she died here in the Nation.

Q Where? A Died out here on Lightening Creek.

Q How long did she live in Kansas, after she married; Etta?

A She had been living there, I don't know, she stayed there a year.

Q Where did she live before? A She moved right down there around there by me.

Q Down where? A Out on Caney.

Q How long did she live on Caney? A She stayed there, I don't know how many years she stayed there, she stayed there, let's see, she stayed there I think three or four years.

Q Where did her first husband die? A I don't know where he died.

Q Where was she married the second time? A She married here in the Nation, she got a license out and married.

Q Hasn't she been living in Kansas some since she married the last time? A She would go backwards to see her mother while her mother was living there, and then come back.

Mr. Smith: You and your wife separated, you say? A Yes, sir.

Q When this eldest child was four or five years old? A Yes, sir.

Q And she went to Kansas and you stayed here? A Yes, sir.

Q And these children stayed here part of the time with their mother, and part with you? A Yes, sir.

Q You mentioned something about some stuff a while ago, what did you mean by that? A I mean I had my things down here, what stock and stuff I had at that time.

Q What time? A That is when he was asking me about I and their mother, about staying out in the state, and I told them I would go up there and come back, I wouldn't stay long at a time because I had

Stuff to come and see after it.

Q What did you have here? A I had cattle and horses.

Q In the Cherokee Nation? A Yes, sir, I wasliving here, this was my home.

Q This was your home when you marred this woman? A Yes, sir. It was my home, I married and brought her home, brought her down here; that is what I call my home.

Q And it has been your home ever since? A Yes, sir.

Q Where you had your property and stuff, as you call it? A Yes, sir.

Q Is there anybody here who knows about your marriage to this woman, anyone saw you married, or knew you when you lived together as man and wife?. A Yes, sir, Andy Fry know that we lived together as man and wife.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 11th of May, 1901.

Signed, M. D. Green,
Notary Public.

(Seal)

****

C D250

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Della Still et al, for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 10th, 1901 and one copy of the original testimony from the case of Albert P. Thomas et al, May 10th, 1901, which has been made a part of the record in the case of the applicant.

Attorney for Applicants.

Cherokee ~~#~~ F. #D250.

FD 250

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ....

day of ..... A. D. 190 .

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of SEP 30 1901 190 .

Nicholds & Sanck

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Della Still
for enrollment as Cherokee Freedmen:

Case No. F. D 250

To Della Still or Mullette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, Indian Territory, on Oct. 3d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 30th 1901.

T B Bell

N. M. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 250

J D 250

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of 3-1 ....., 1902

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

FILED
MAR 3 1902

NOTICE!

IN THE MATTER OF the application of Della Still ..... for enrollment as Cherokee Freedmen:

Case No. F. D. [illegible]

To [illegible] Della Still, or elsewhere, Heath, Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1906. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] 1906.

T B Bell

M. M. Hastings

Attorneys for the Cherokee Nation.

Nellie Stone

F. D. 250

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190..

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 10 day of April, 1902

Maclean & Rucker
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Smith and Mollett —

on the 14 day of April A. D. 1902

L. P. Daniel
special agent

Subscribed and sworn to before me this 14th day of April 1902

[illegible]
Notary Public.

My Com. expires [illegible]

NOTICE!

IN THE MATTER OF the application of Della Stice for enrollment as Cherokee Freedmen:

Case No. F. D. 257

To Della Stice c/o Muscogee Hotel

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 4/11/1902

R. B. Bell

W. W. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of 4-18 ..... 190 2

Wm M Smith
Attorney for applicant.

DEPARTMENT OF INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 18 1902
ACTING CHAIRMAN.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Wm M. Smith
J Walter Smith
on the 18th day of April A. D. 1902
John Parks

Subscribed and sworn to before me this 18th April - 1902
O Merrill
Notary Public.

NOTICE!

IN THE MATTER OF the application of Della Still for enrollment as Cherokee Freedmen:

Case No. F. D 250

To Della Still c/o Mellette & Smith Attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 19 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 16 1902

R. B. Bell

W. M. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

COMMISSIONER: This testimony will also be filed in the case of Della Still, I.T.-250, who is represented by Lewis T. Brown.

MR. BROWN: The applicant desires to call the attention of the Commission to the marriage certificate filed in the case of Della Still, I-250, which shows that she was married to her husband George Groom, in the Cherokee Nation, by [illegible] Webber, a minister of the Gospel, in accordance with the laws of the Cherokee Nation.

Arthur O. Cronmiller, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur O. Cronmiller.

Subscribed and sworn to before me this 9th day of July, 1902.

(Signed) P. J. Hunter,

(SEAL). Notary Public.

I, the undersigned, a stenographer to the Commission to [illegible] do hereby certify that the foregoing is a true and correct copy of the testimony and proceedings in this case.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUG 8 1902
FILED
Acting Chief Clerk.

File with F.D-250 (Della Still)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 29,1902.

In the matter of the application of Etta Thomas for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-249.

APPEARANCES:
Mellette & Smith and Lewis T. Brown for applicants.
W. W. Hastings for Cherokee Nation.

MR. BROWN: Come now the applicants and object to the introduction of any testimony tending to disprove their rights as citizens of the Cherokee Nation for the reason that they are descendants of a person whose name appears upon the authenticated roll of 1880, and that the decree of the court, as well as the instructions of the Secretary of the Interior by which this Commission is making a roll of Cherokee Freedmen, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880 or their descendants, and calls the attention of the Commission to the fact that the applicants in these cases have all been born since the war, and whatever rights they might have at all they take it through their parents

MR. HASTINGS: In answer to the above objection the representative of the Cherokee Nation desires to call the attention of the Commission to the fact that the applicant, Etta Thomas, gave her age in 1901 as being at that time 32 years. She was therefore born in 1869, was alive and in being in 1880, and the record does not show that she nor her sister, Della Still, who gave her age as being 31 in 1901, are upon the authenticated roll of 1880, and therefore neither of them are descendants of any one whose name appears upon the roll of 1880 since born. The Cherokee Nation contends that they must have been born subsequent to the authentication of the roll of 1880 in order to permit them to acquire rights through their parents. The Cherokee Nation further contends that colored people could abjure their rights to citizenship by non-residence and marriage in the States the same as Cherokees by blood under the constitution and laws of the Cherokee Nation, and for all of these reasons that this testimony is admissible.

MR. BROWN: The applicant contends that the fact that these applicants are not upon any roll of 1880 is no evidence whatever that they are not entitled; that the Cherokee Nation made the roll of 1880 themselves, and is therefore bound by it; that all of these applicants were born after the year 1866, and whatever right they might have at all, they get it through their parents. The applicant desires to further state that the supreme court has already held that the only way that an Indian can abjure his citizenship is by a treaty or an act of Congress or by taking the oath of naturalization, and that has not been proven in this case; and they further contend that in accordance with the treaty of 1866 these freedmen have all the rights of native born Cherokees to all effects.

JOSEPH RUCKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Joseph Rucker.
Q How old are you, Joe? A I am 65 the 10th of October.
Q Where do you live? A I live in Chanute, Neosho County.
Q Kansas? A Kansas.

Q How long have you lived at Chanute, Kansas? A I have been there 26 years the first day of March past, 26 years.
Q Last March? A Yes, sir, the first day.
Q Where did you live before that time? A I lived down to Erie, the county-seat.
Q That in Kansas? A Yes, sir, that's in Kansas.
Q Were you in Kansas during the war? A Yes, sir.
Q Were you there when the war closed? A I was; I come to Kansas in the year '63.
Q Where did you come from to Kansas? A Come from Arkansas, Van Buren, Arkansas.
Q I will ask you if you ever saw a colored family up ther who went by the name of Ragsdall? A Yes, sir.
Q Did you know the girls' names? A Yes, sir.
Q What was their names? A Della, I forget the youngest one's name, I know it though, but I can't call it. I know them both, lived right there by them, right door neighbors to them.
Q You lived door neighbors to them did you? A Yes, sir.
Q Well, how far did they live from you? A Just about a half a block.
Q Half a block; did you know their mother's name? A Yes, sir.
Q What was her name? A Mrs. Beacham.
Q Had she married again when you knew her, that is, the mother of these girls? A Yes, sir. No, no, she hadn't, I don't know anything about the mother of these girls; I don't know the mother of the girls, I don't know the father of them; Mrs. Beacham, I knew her.
Q Well her husband was named Beacham when you knew her? A Yes, sir, a yellow fellow, a barber.
Q Barber was he? A Yes, sir.
Q Where was he living when you knew him? A Lived in Chanute.
Q When did you learn to know him there? A The first year I went there.
Q When was that? A That's been 26 years ago this last March, first day of last March, I got acquainted with him.
Q Got acquainted with him? A Yes, sir.
Q Did you know Mrs. Beacham, did you remember Mrs. Beacham's first name? A Well if I would hear it called I would; I never called her anything only Mrs. Beacham; I never knew anything else; I know she oftentimes spoke about her children Ragsdall.
Q Ragsdall children? A Yes, sir.
Q Well, did these children go by the name of Ragsdall or Beacham?
A They went by the name of Beacham now.
Q How long did you continue to know them in Chanute? A Oh, I knowed them there some five or six years.
Q Did they live there during that time? A Yes, sir.
Q Did their mother own property there? A Yes, sir.
Q What became of their step-father Beacham? A He went to Colorado.
Q What was his occupation? A He was a barber.
Q Barber? A Yes, sir.
Q What became of these girls and their mother? A Well, the first and foremost they moved to Cherryvale.
Q Kansas? A Yes, sir.
Q How far is Cherryvale, Kansas, from Chanute? A 30 miles.
Q 30 miles; did you ever see them down there? A Oh, yes, sir.
Q Do you know whether this Etta's sister was named Della or not?
A Yes, sir, her name was Della.
Q Did you ever see Etta after she was married? A Yes, sir.
Q Where did you see her? A I seen her down at Cherryvale.
Q Did she have any children there? A I don't remember.
Q Who did you see, Etta? A Yes, sir.

Q Well did you ever see Della after she was married? A Yes, sir, she stayed one night at my house, had one little child with her.
Q Do you know who Della married, what his name was? A No, sir, I doesn't.
Q But she stayed all night at your house after she was married? A Yes, sir.
Q Where was she going? A I don't know where she was going; she was on pursue of her husband; they had separated at that time.
Q How long did you continue to know of them at these different places around? A Oh, quite a number of ~~people~~ times from people who would know them as well as I did, you know, spak about it, seen them.
Q Do you know where they went from Cherryvale? A They went to ~~xxx~~ another little town right close, I forget the name of the little place; I thought of it a while ago; a little town not very far from there they went to; I forget the name of the little town they went to; moved to some small village.
Q While the mother and the girls were living at Chanute for some five or six years as you stated, did you ever miss them from up there any length of time? A Not as I remember of; I lived right there all the time.
Q Did you see them frequently? A Yes, sir, every day; if they went away I don't know it; of course I would have knew it.
Q About how old were these girls when you first knew them? A Well from appearance and the looks of the children they must have been from twelve, ten to twelve or somewheres in the neighborhood of that, from the looks of them.
Q You are only guessing as to their names? A Just guessing, not saying for certainty.
Q Do you know Mr. Brown? A That young man (indicating Lewis T. Brown)?
Q Yes, sir? A Why, yes, sir.
MR. BROWN: Where were you born? A Tennessee, in Tennessee.
Q What year were you born? A I don't remember; I can't read; I don't remember; but I remember that I was born in Tennessee, Mr. Brown.
Q What year did you go to Kansas? A I come to Kansas in the year of '63, knew that by the war.
Q To what point did you go in Kansas? A What did you have reference to?
Q Well, did you go to Kansas City? A No, sir, I come to Kansas.
Q Well, to what point, what's your postoffice? A Chanute.
Q What year did you come there? A I come to Ottawa, to Lawrence, I was there in '63, the time of the raid; after '63 I was down in the raid.
Q Well to what poin did you come in Kansas when you come from Tennessee? A Well I didn't come right there; I came to Arkansas first, and when the war commenced I come to Kansas.
Q To what point in Kansas did you come in '63? A I come to what point! Explain your self.
MR. HASTINGS: What town? A I told you I come to Lawrence.
MR. BROWN: That's the first place you come to in '63? A Yes, sir.
Q How long did you stay there? A I stayed there about a year.
Q Where did you go then? A I came on down below, Ottawa.
Q How long did you stay there? A Stayed there quite a spell, ~~and~~ I ~~thought~~ don't remember. How long did I stay there? Helped build up the town, worked around there quite a spell, and then I moved to Chanute; I don't remember.
Q About how long, ten years, did you stay in Ottawa? A Oh, no, not that time; four or five years I stayed there.
Q Where did you go to from there? A Well I was travelling around,

first one place and another; went to Missouri, from Missouri I came to, what's the name of the town? I will call the name of the little town in a few minutes.
Q How long did you stay in Missouri? A About a year.
Q Where did you go from Missouri? A I can tell you in a few minutes. Come up to the Osage Mission, and then from the Osage Mission over to Erie, and then I moved to Chanute.
Q How long did you stay in Erie? A Stayed there about nine months, and the Osage Mission together.
Q How long did you live in Chanute? A I have been 26 years the first day of last March.
Q Have you been living there ever since you left Erie? A Ever since, yes, sir.
Q You say you come to Lawrence in '63 and stayed there a year? A Yes, sir.
Q That would make it '64 wouldn't it? A Yes, sir.
Q You went from Lawrence to Ottawa and stayed four or five years, didn't you? A Yes, sir.
Q That would make it '68 or '9, and you went from Ottawa and stayed in Missouri a year, which would make it '70? A Yes, sir.
Q And you stayed in Erie until 26 years ago? A Oh, no, sir, I didn't stay in Erie; I said I stayed in Erie about a year.
Q But then you went direct from Erie to Chanute, Kansas, didn't you? A Yes, sir, I been there ever since.
Q And you stayed in Erie from the time you went there until 26 years ago, didn't you? A I think you are mistaken, stayed in Erie until 26 years ago?
Q Yes, sir? A I meant to have said I have been in Chanute 26 years, ever since the first day of March, 26 years.
Q Well, in going from Erie you went to Chanute, Kansas, didn't you? A Yes, sir.
Q Prior to 26 years ago you didn't live in Chanute, did you? A Didn't?
Q Yes, prior to 26 years ago? A No, I won't say that.
Q Well, did you live in Chanute, Kansas, before 26 years ago? A Did I live there?
Q Yes, sir? A No, sir, I did in Kansas, but not in Chanute.
Q You didn't in Chanute? A No,,sir.
Q Well, what did you say the oldest child was named, of that family, this family about which your are testifying? A I said Beacham I thought.
Q The oldest child was named Beacham? A No, I say.-Well, the oldest child; I was thinking - from the looks of them they was from 10 to 12 years old, I don't know.
Q Was it a boy or a girl? A Girls.
Q What was her name? A Della.
Q That was the oldest one? A I suppose it is.
Well now what was the next one's name, the youngest one?
A I forget her name.
Q How old was she? A She looked like she was about 10 years old.
Q Della was older than the other one? A Looks to me like she was.
Q You lived right there close to them? A I knowed Beacham.
Q Under what name did they go by when they lived in Kansas? A Beacham.
Q And when you said by the name Ragsdall you were mistaken were you? A Let me tell, her mother would oftentimes say, "I'll send you home to your father Ragsdall;" that's what she would say often.

Q Well did she ever send them? A Not as I know of.
Q Would you swear that she didn't? A No, no, I wouldn't.
Q Was it your business to see where these children went?
A No, sir, no.
Q Was it your business to see where these children went?
A No, sir, it was not. I just seen the children there, and I have heard her speak of it time and again, Mr. Brown.
Q Well, how long did they live in Chanute, Kansas? A Well they stayed several - my understanding now, about five or six years.
Q You went there 26 years ago? A Yes, sir.
Q Now if they stayed there five or six years, they left there about 20 years ago? A Oh, no, that won't do.
Q Well tell me something that will do? A Well you have got to figure that out yourself.
Q You went to Chanute, Kansas, 26 years ago, didn't you?
A Yes, sir.
Q You got acquainted with the Beacham family when you went there?
A I did.
Q They stayed there five or six years? A Yes, sir/
Q Then they must have left there 20 years ago? A Oh, no, they couldn't make that if they stayed there five or six years. Well now you take the time from the time I went there and add that time up with mine, now, you will see how much that will cut off.
Q You gave me a date? A You are doing the figuring now and doing the counting; I will answer your questions right, you ask me questions right and I will answer them right.
Q Well, answer this one? A I can't answer it; you have got to.

COMMISSION: Can you answer his question? A I can't, not the way he has got it.

MR. BROWN: How long has it been since the Beacham family lived in Chanute, Kansas? A Well it must have been, let me see, some fourteen or fifteen years.

Q Ago? A Must have been.
Q Well now where did they go to when they left Chanute?
A They went down to Cherryvale.
Q How long did they live there? A I don't know; they lived there.
Q How long did you know them to live there? A They was there quite a little spell; I don't remember.
Q Was it as much as ten years? A Oh, no, sir.
Q Was it as much as five years? A In the neighborhood of three or four or five years; I oftentimes heard of them, but I didn't ask them.
Q How long has it been since they lived in Cherryvale? A I don't know.
Q About how long? A I don't know.
Q What's your best judgment? A Well, I aint got any judgment about it only they were there.
Q Was it ten years ago? A No, sir.
Q Was it five years ago? A Well It's been more than five.
Q Six? A Oh, well, there's no use in asking that kind of a question.
Q Well, there is some use in asking it. A It was more than six.
Q Seven? A Seven or eight years ago I think.
Q Where did they go to from Cherryvale? A They went to Neodesha and from there over to the next town above that, north of that.

Q Well now how long did they stay in that town? A I don't know.
Q How long has it been since they came away from there?
A I really couldn't say.
Q Then your testimony is, until seven or eight years ago that Beacham family lived in Cherryvale, Kansas? A Well, now it's been sever or eight years since the girl came to my house.
Q Where was she from? A Cherryvale or some of them towns; she had a little girl or boy with her.
Q Which was it, boy or girl? A I don't know.
Q Wasit a boy or a girl? A Looked like he was two or three years old.
Q Stayed all night at your house and you don't know whether it was a girl or boy? A No, I don't.
Q Where were you living then? A I was living in Chanute.
Q Well you swear then, that that girl Della was in your house in Chanute, Kansas, seven or eight years ago? A Yes, sir.
Q When did you see her mother for the last time? A She - it's been a number of years.
Q About how many? A I haven't seen her mother since she moved out of Chanute.
Q Don't know where she went to of your own personal knowledge when she left there? A No, sir, they went to Cherryvale, so I understood.
Q You don't know whether the mother ever lived in Cherryvale, Kansas, or not, do you. A I think she did.
Q Well do you know it? A Well I come pretty near believing it.
Q Will you swear that? A I will not answer that. I knew she did by what people said, I knew what people told me, people told me in Kansas.
Q Would you swear that she ever lived in Neodesha, Kansas?
A Well, no, only what people told me.
Q Are you testifying to what people told you or to what you know? A I am testifying to what I seen myself; but Mrs. Beacham, I didn't know where she did live only what people told me.
Q You went to Chanute the first you saw Mrs. Beacham? A Yes, sir.
Q You found her there? A Yes, sir.
Q She lived there for four or five years? A And I found you there, too.
Q Yes, sir, I was there. A Now you know I am right.
Q You say her mother owned property there? A Yes, sir.
Q How do you know it? A I worked for her, and heard it was her'n, and she sold it.
Q Did you buy it? A Goodseal bought it. I don't know whether she owned it or not, I know she was a-claiming it was her'n, and I moved the house there for her, and so on.
Q I believe you stated in your direct examination, Mr. Rucker, that Beacham went to Colorado? A Yes, sir.
Q When did he go to Colorado? A I don't know exactly when. You know old man Clark?
Q No. A Lizzie Clark there and we got letters from her, and she wrote was running a barber shop.
Q When did you learn that Beacham was living in Colorado?
A It's been several months ago, from this lady.
Q Where did Etta Thomas marry? A She said she married at Cherryvale.

Q She told you she married in Cherryvale? A She told my folks.
Q How do you know she did? A I heard - the women told me so.
Q You are testifying to what the women told you or what you know? A I am testifying to what they told me, because they asked her that, because the women told me.
Q Are you testifying about her? A I am.
Q Where did Della Still marry? A Cherryvale.
Q Do you know she married there? A Well, she told the girls she did.
Q How do you know she told the girls she did? A They told me so.
Q Are you testifying to what the girls told you or what you know? A Well now I didn't see - what's the use in asking that?
Q Are you testifying to what the girls told you or to what you know? A I am testifying to what I know, and there's some things you have got to prove a right to know to find out whether it's right or not.
Q Now are you testifying to what the girls told you or to what you know? A I told you plainly as I can tell you that I am testifying to what I know, but then the girls told me that, and I am going to tell it just as they told me.
Q Della Still never told you that she was married in Kansas? Etta Thomas never told you that she was married in Kansas?
A The biggest one told me she was married in Kansas.
Q When did she tell you that? Told me when she was at my house.
Q When was that? A Been five or six years ago, maybe more.
Q How many children did she have then? A One.
Q What was it's name? A Had no name I guess.
Q Have you seen or heard read a copy of the testimony in this case? A Has anyone told you what any of these people have testified to in this case; hasn't this testimony been read over to you this afternoon? A No, sir.
Q You don't know ever what they have testified to? A No, sir.
Q No one evert alked to you about it? A No,,sir.
Q When were you called upon to remember what you knew about this family? A Never been called upon. One man did ask, did I know the Beacham girls, and I told him yes; asked me where they lived, and I told him;, asked how long I knew them; I told him.
Q When was that? A The other day.
Q What was that man's name? A I don't know what his name is; I am honest about it in anything I'll tell you.
Q Where was Della and Etta born? A Good God, how do I know.
Q Answer my question? A I am answering it. The first time I knew the girls they was in Chanute.
Q How do you know that? A Didn't you see them?
Q Didn't you just now testify that when you become acquainted with them they were 10 or 12 years old? A Yes, sir.
Q Where did they live prior to the time they were ten or twelve years old? A They livedin Chanute.
Q You swear that they did? A I said agreeable to what I thought they was.
Q Will you swear that they did? A Well, I am answering your questions as nigh as possible; I think that they were that old; I am judging.
Q How are you judging? A I am judging that they were ten or twelve years old.
Q When you first bewame acquainted with them? A Yes, sir.

Q Where did they live before that time? A Why they lived there right above the place where they bought. You know where that was as well as I do.
Q Well now, right above the place they bought; where was that at? A You know where Opp lived, and then they bought a place right across from them. The place just like your father bought, where you lived; just the same.
Q Well now you don't know where they lived prior to the time they were attending this land of your own personal knowledge? A Yes,sir, I told you I did; but I can't remember the place right here.
Q Well you don't know where they lived before you got acquainted with them, do you? A No, sir.
Q Where did they live before you became acquainted with them? A No, sir.
Q Did these girls about whom you are testifying ever live on Grand River in the Cherokee Nation? A Not as I know of.
Q Are you prepared to swear that they didn't? A On Grand River?
Q Yes, sir, in the Cherokee Nation? A What do I know ~~xxxx~~ about where they lived down in the Nation?
Q Did they ever live there? A I don't know.
Q Where were the children born? A I don't know.
Q How long did you say that they lived in the State of Kansas? A Well, I don't know that.
Q About how long? A I couldn't tell you to save my life.
Q About twenty years? A I couldn't tell.
Q Was it ten years? A I couldn't tell.
Q Do you remember it? A Well, I can remember how long I have known them.
Q How long did you know them in the State of Kansas?
A Well known them to live there from five to six years.
Q You are not willing to swear that they lived there any longer than that? A No, Oh no .

MR. HASTINGS: Now you got acquainted with them 26 years ago in Chanute? A Yes, sir.
Q They were living there neighbors of yours? A Yes, sir.
Q You knew them five or six years? A Yes, sir.
Q They moved off to Cherryvale? A Yes, sir.
Q You have testified that you knew both of these girls after they were married? A Yes, sir, I do.
Q One of them stayed all night at your place? A Yes, sir.
Q Did she have a child? A Yes, sir.
Q Did she tell you where she was living then? A No. She was travelling through; she told me where she had been living.
Q Where did she say she had been living? A Cherryvale.
Q What was she hunting for? A Said she was hunting for her man; she was going to get he man back.
Q Husband? A Yes, sir, husband.

MR. BROWN: Which one of them was hunting for her husband, Della or the other one? A Della, the grey eyed one.
Q What was her husband's name? A I don't know; I didn't ask her.
Q Did she have any children at that time? A Saw one child. Looked like to me it was two or three years old; I couldn't tell which.
Q Was it a boy or a girl? A I don't know what it was.
Q Can't tell whether it was a boy or girl? A Dressed like a girl; had on a dress; I couldn't tell any more than that.

COMMISSION: This testimony will also be filed in the case of Della Still, F.D-250, who is represented by Lewis T. Brown.

MR. BROWN: The applicant desires to call the attention of the Commission to the marriage certificate filed in the case of Della Still, D-250, which shows that she was married to her husband George Groomer, in the Cherokee Nation, by the Rev. Sam Webber, a Minister of the Gospel, in accordance with the laws of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 9th day of July, 1902.

(Signed) P. G. Reuter,

Notary Public.

(SEAL)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing ia a true and correct copy of the testimony and proceedings in this case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 8th day of August, 1902..

Bruce C. Jones

Notary Public.

#1950

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 4 1902

CERTIFICATE.

STATE OF KANSAS, } SS.
WILSON COUNTY, }

I, Wm Spencer, Judge of the Probate Court of Wilson County, Kansas, do hereby certify that the above and foregoing to which this certificate is attached is a true and correct copy of the records of this Court. Relating to the Marriage of George W. Groomer and Della A. Ragsville, as appears upon Marriage License Record "D" page 164.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court at my office in Fredonia, Wilson County, Kansas, this 29th day of May A. D. 1902.

Wm Spencer Probate Judge.

(Copy).

Marrige License Record.

State of Kansas, } Office of the Probate Judge of said County.
County of Wilson }

Be it remembered, That on the 26th day of October A. D. 1887, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

Marriage License.

Wilson County, State of Kansas.

October 26th 1887.

To any Person Authorized by Law to Perform the Marriage Ceremony, Greeting: You are hereby authorized to join in Marriage George W. Groomer of Neosho Co., Kas., aged 22 years, and Della A. Bagsville of Fredonia, Kas., aged 17 years, and of this License you will make due return to my office within thirty days.

(Seal) C. S. Wicks - Probate Judge.

And which said Marriage License was afterwards, to wit, On the 27th day of October, A. D. 1887, returned to said Probate Judge, with the following certificate endorsed thereon, to wit.

State of Kansas, } ss.
County of Wilson }

I, J. W. Stewart do hereby certify, that in accordance with the authorization of the within License I did, on the 27th day of October A. D. 1887, at Fredonia, Kas. in said County, join and unite in Marriage the within named George W. Groomer and Della A. Bagsville

Witness my hand and Seal the day and year above written. J. W. Stewart

Pastor of M. E. Church. Fredonia, Ks.

Attest:
C. S. Wicks. Probate Judge.

X p250.

COMMISSION TO THE
RECEIVED
AUG 1 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit.

Della Still, D 880;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Della Still, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Della Still, et al.,.....Cherokee Freedmen D 250
Albert T. Thomas,.....Cherokee Freedmen D 249

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Della Still for herself and her minor children, Willie and John D. Groomer; and by Albert T. Thomas for his wife, Etta Thomas, and her miner children, Clyde Thompson, Albert Thomas and Earl Thomas, as Cherokee Freedmen, and for himself as a Cherokee Freedman by intermarriage. The status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Albert T. Thomas is not embraced in this decision.

The evidence shows that all the applicants herein are the descendants of one, Jonas Ragsdale, who is identified on the 1880 authenticated Cherokee roll. It is presumed from this enrollment that the Cherokee Nation recognized that the said Jonas Ragsdale complied with the terms of the treaty of 1866. His said descendants, having been born since 1866, acquire the status of their said ancestor.

The evidence further shows that Etta Thomas has resided in the Cherokee Nation continuously since 1896 or 1897; that Della Still has resided therein continuously since 1887; and that their minor children, above named, have, since birth, resided with the said Etta Thomas and Della Still, respectively.

It is, therefore, the opinion of this Commission that Della Still, Willie Groomer, John D. Groomer, Etta Thomas, Clyde Thompson, Albert Thomas and Earl Thomas should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

Cherokee Freedmen D
249 & 250.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 15, 1904.

FURTHER PROCEEDINGS had in the matter of the applications of ETTA THOMAS, et al., and DELLA STILL, et al., as Cherokee freedmen.

It appears that on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants do not appear in person or by attorney.
Cherokee Nation by its attorneys, W. W. Hastings and James S. Davenport.

ANDY FRYE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Andy Frye.
Q How old are you? A I am 69.
Q What is your postoffice address? A Ketchum.
Q You appear as a witness for the applicant in the case of Della Still, which was set for to-day, do you? A Well, it is all the same, I guess, it is her sister.
Q How long have you known Etta Thomas? A I have known her ever since she was a child.
Q How long have you known Della Still? A The same.
Q Did you ever know their father? A Yes, sir.
Q What was his name? A Jonas Ragsdale.
Q Do you know where Etta Thomas and Della Still were born? A Well, I don't know just exactly where they were born, when I saw them they were here.
Q In the Cherokee Nation? A Yes, sir.
Q Can you state just when that was you first knew them? A That was in, along about '68, when I first seen them children they were small.
Q You saw both Della and Etta in 1868? A Yes, sir, they moved and lived right close by me.
Q Where was that? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q In what district? A In Tahlequah district.
Q Who were they living with? A Their father.
Q Do you know anything about when they came to that place? A They came there along about 1868 or 1870, somewhers along there Jonas came there and lived there, but he was here before that time.
Q How long had you known their father, Jonas? A Ever since he was a boy.
Q Before the war? A Yes, sir.
Q Who did he belong to? A Dec Ross before the war broke out.
Q He went out? A Yes, sir.
Q When did he return? A In '66, in the Spring.
Q To what place did he come? A Down on Pryor Creek; lived there.
Q Did he bring his family with him at that time? A Yes, sir.
Q When did you say you first saw these girls in the Cherokee Nation? A Along about '70.

Q 1870? A '68 or '70, somewhere along there, Jonas lived right by me. He had them children's mother then; they were small.
Q Were those two children born before the war? A No, sir, since the war.
Q Since the war? A Yes, sir.
Q About how old do you think they were, respectively, when you saw them in '68 or '70? A The oldest must have been two years, the other a little over a year.
Q You think it could not have been later than '70? A It may have been, I could not tell the date just exactly. But they had been living here all the time before that.
Q Did you say you knew where they were born? A No, sir, I don't know exactly.
Q Did they continue to live here from the time you saw them in '68 or '70 until the present time? A They lived with their father part of the time and have been in school part of the time in Kansas; they were with their mother while in school, and then with their father.
Q Where was Della Still married, if you know? A I don't know where either of them married; they have got grown and moved up on Caney; I don't know much about their whereabouts.
Q You don't know whether they continued to live in the Cherokee Nation or not when they left their father's? A Why, they lived in the Cherokee Nation. I came by their father's and seen them there, and he said he had just brought them from school.
Q And all the time while they were children, as you say, they made their home with their father, except when they were at school?
A Until they separated.
Q Until they become grown? A Yes, sir, Jonas and his wife lived right in a half mile of me and him and his wife separated.
Q Do you remember when they separated? A No, sir.
Q When Jonas came back here in 1866, as you say, did he bring his wife at that time? A Yes, sir.
Q Then how did it happen that she was back in Kansas? A After that, you see, the children went up there to school and stayed with her. After they separated here she went back to Kansas.
Q That was after they separated? A Yes, sir.
Q What place in Kansas did they go to school? A I don't know, but he told me when I saw him that they was going to school.
Q Do you know where Della Still and Etta Thomas were living about 1880, when the 1880 roll was made? A No, sir.
Q Can you offer any explanation as to whether their names don't appear on that 1880 roll? A No, sir.

By Mr. Davenport:
Q Andy, do you know where Jonas Ragsdale and the mother of these children married? A No, sir.
Q Do you know what year they were married? A No, sir.
Q What was the first year you say you saw these children in the Cherokee Nation first? A I don't know whether it was 1870 or '78.
Q You mean '78? A Yes, sir, I don't know what date; it was '68 or '70, somewhere along there; they lived right close to me.
Q How long did Jonas Ragsdale and his wife, the mother of Della and Etta, live together in the Cherokee Nation, to your knowledge?
A It must have been about four or five years, I reckon.
Q Well, when they moved to the Cherokee Nation was both of these children born when they come to the Cherokee Nation after they were married? A They didn't come right to where I lived then; Jonas come to Caney or somewhere, and afterwards come and made a place just in a half mile of me and had these children and their mother.
Q How old were the children at that time? A One was a small baby and the other could walk and talk some.

Q That, you think, was about 1860 or '70? A Yes, sir; somewhere along there.
Q How long did they livetogether after they moved down there before they separated? A Four or five years, right close by me.
Q Where did the mother go after they separated? A After they separated she stayed with me three or four months, and then she went up in Kansas; don't know where; Humboldt or Iowa, somewhere up in there.
Q Then the next time you saw these children was when, in the Cherokee Nation? A I saw them after that out on Caney, where Jonas lived; I came up there and he had the children; they were good big children then and he said they had come from school.
Q Did the mother continue to live in the Cherokee Nation after she and Jonas separated? A No, sir, she was here, backward and forward, but she didn't live here.
Q About how often would she come to the Cherokee Nation? A About once a year, I guess, sometimes they would bring the children to Jonas after school was out.
Q Was the mother living in the Cherokee Nation before she and Jonas married? A I don't know.
Q Was she a freedwoman or a state woman? A State woman.
Q Don't you know that Jonas married the mother of these girls and married in Kansas? A I couldn't say where they married.
Q Don't you know they wasn't married until 1868, and don't you know that Jonas Ragsdale testified to that fact? A I just that might be that time; I couldn't tell.
Q Don't you know that these gilrs and the mother continued to live in Kansas until Della and Etta were married and afterwards? A They might have lived in Kansas, but I saw them here with their father.
Q Did they or did they not continue to live in Kansas from birth until they married their husbands, Albert T. Thomas and Harry Still? A I couldn't tell about that; I couldn't tell where they married.
Q You knew them, you say, all the time, where was their home? A I never saw the children but once or twice, and I saw them with their father.
Q He was living where then? A On Caney.
Q What year was that? A I couldn't tell, hardly, the day. I was just passing through there.
Q You were just passing by? A Yes, sir.
Q What year was that? A I tell you I can't tell.
Q Was it about the year of the Perne-Clifton roll? A I think before that.
Q How long before, when Wallace was making his roll? A I think it must have been before that, I went out to see one of my children out there, and couldn't tell the date.
Q They were girls nearly grown? A Yes, sir.
Q When did you next see them in the Cherokee Nation? A I don't know; don't know whether it was before the Wallace roll or when; I guess it must have been.
Q When did you next see them after that? A Well, I think I saw them after that, but I couldn't tell just whereabouts and when it was.
Q About what year was it? A I guess it must have been after the Wallace Payment sometime; I saw them after his enrollment.
Q Well, now, when to your best knowledge did either one of these girls move to the Cherokee Nation and take up their residence? A I don't know; I couldn't say, because they were away from me.
Q When do you first recollect of knowing they were living in the Cherokee Nation with their family? A Well, I think it was after the Wallace enrollment, I think I saw them.
Q Don't you know it to be a fact that Etta Thomas and her husband, Albert, didn't move to the Cherokee Nation to live until after the 1894 Cherokee Strip Payment? A Her and her husband might have been down here.

Q I am not asking you about that. When did they move down here and take up their home? A I don't know when they took up their home.
Q You know they were not living here in 1890, don't you? A No, sir, I don't know where they lived in 1890, because I didn't see them at that time.
Q Where was Etta living when she married her first husband? A I don't know.
Q She had been married before she married Thomas? A Yes, sir.
Q Do you know his name? A It was pretty near Thomas, I believe.
Q It was Thompson, wasn't it? A Yes, sir, I believe so.
Q Where was she living with Thomas? A I don't know; somebody says Pryor Creek.
Q It was in Kansas, wasn't it? A I don't know.
Q Did you ever see Etta Thomas and her first husband living in the Cherokee Nation? A No, sir.
Q Did you ever see Etta Thomas and her husband Thomas living in the Cherokee Nation prior to the year 1894? A No, sir, I don't know her first husband; I didn't see him; just heard of him.
Q When did you know of Della and her husband living in the Cherokee Nation, what year? A Well, I couldn't say, because I don't know.
Q Was it before the Kerns-Clifton enrollment? A ~~Xxxx~~ It must have been.
Q Was it before the Wallace enrollment? A I couldn't say now, I tell you; I didn't know Della's husband for a long time.
Q Who was she livng with as her husband at the time you first knew of her living in the Cherokee Nation? A I can't remember her husband's name.
Q Was it Croomer? A Yes, sir.
Q Do you know when they were married? A No, sir.
Q Was Croomer a state man or a freedman? A A state man, I think.
Q They came from Kansas, didn't they? A I don't know; when I seen them they were in Vinita.
Q When was it you saw them in Vinita? A I couldn't place the date.
Q Can't you estimate the years? A No, sir, I couldn 't for I don't recollect the date, the year they was there.

By the Commission:
Q You say when the father of these children returned to the Cherokee Nation after the war he returned to some point near where you lived? A No, sir, he moved out on Pryor's Creek somewheres; I lived over on the river.
Q I thought you said he returned to Grand river where you lived? A No, sir, he returned to Pryor's Creek in '66, and afterwards moved over on the river, where I lived.
Q And his wife was with him? A Yes, sir.
Q How long did he continue to live there? A Four or five years.
Q While he was living there, they separated? A Yes, sir.
Q And she went back to Kansas? A She stayed with me a while and then went back to Kansas; yes, sir.
Q During these four or five years, did these children live a part of the time with their father there near you? A Yes, sir, when they first separated he took the children.
Q And she went back to Kansas? A Yes, sir.
Q And how long did the children live with him? A She came back again and he gave the children to her.

Mr. Davenport: Were you present? A I just got the father's word.

Mr. Davenport: We object.
Commission: Objection will noted.

By the Commission:
Q Was it just an understanding, written or verbal? A It was just understood between them; he was to keep them a while.

Q Did she take the children? A Yes, sir, and said she was going to send them to school.
Q Did you see them with the father there by you any more? A I saw them with him on Caney.
Q During the four or five years he lived there by you they didn't come back there? A No, sir, he didn't stay there but about a year after they separated and moved on Caney.
Q And after that time you have no definite knowledge as to where these children lived? A No, sir.
Q You just know you saw them different times on Caney at their father's house? A Yes, sir.
Q Do you know how many times you saw them there? A Twice, I think.
Q Before either of them was married, was it? A Yes, sir.

FRANKLIN ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Franklin Ross.
Q What is your age? A 57 years old.
Q What is your postoffice? A Hayden.
Q Do you live in Cooweescoowee District, Cherokee Nation? A Yes, sir.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicants, Etta Thomas and Della Still? A Yes, sir, they are sisters.
Q They are sisters? A Yes, sir.
Q How long have you known them? A A good while; ever since they were little girls.
Q Ever since they were about how old? A Three or four years old.
Q You knew their father also? A Yes, sir.
Q What was his name? A Jonas Ragsdale.
Q And their mother? A Their mother was named Jane.
Q Their father was a Cherokee freedman? A Yes, sir.
Q Was their mother? A I don't think so; was not as I know of.
Q Who did their father belong to before the war? A Bob Ross, old man's son that I belonged to.
Q He went out during the war? A Yes, sir.
Q Jonas Ragsdale? A Yes, sir.
Q Do you know of your own knowledge when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In the spring of 1866.
Q To what place? A On Pryor's Creek on Dock Rider's farm.
Q Did you come at the same time he did? A I came a month before he did.
Q Who did he come with? A My father, William Ross, Sarah Ross, Charley Ross, Bon Foreman, Ellis Johnson, Henry Melton, Ike Brown--
Q Did Jonas Ragsdale's wife come back with him? A Yes, sir, his first wife was my sister, they married before the war.
Q But she wasn't the mother of these two children? A No, sir, she died in the winter of '65, and he married this other woman.
Q About how long after his first wife died? A About, maybe a year; maybe not so long.
Q Do you know where these two children, Etta Thomas and Della Still, were born? A No, sir, they moved on Grand river after he married this last woman.
Q So far as you know did Jonas Ragsdale continue to live in the Cherokee Nation after his return in '66? A So far as I know.
Q Do you know whether he did? A I have seen him off and on all the time.
Q Do you know anything as to the whereabouts of these children from the time of their birth until they were grown? A They stayed with their father some of the time, on Caney.

Q How long did Jonas Ragsdale live with this second woman? A I couldn't tell you.
Q Do you know whether or not they separated finally? A Yes, sir.
Q What became of her? A She come back there to her daughter's and died.
Q After she and Jonas separated where did she go? A Back to Kansas, and those children spent part of the time with their father and part with their mother.
Q Did their father ever live out of the Cherokee Nation after he went up on Caney, did he move over into Kansas? A Not as I know of.
Q Do you know when Etta Thomas was married? A No, sir.
Q Do you know where she was living at the time she married? A No, sir.
Q You don't know her husband? A No, sir, not her first husband.
Q Do you know when Della Still was married? A No, sir.
Q You don't know where she was living? A No, sir.
Q When did you first see these two girls living in the Cherokee Nation after each of them had married? A It has been about fifteen years, I guess.
Q Were they living here then? A Yes, sir, Della was living here then.
Q Della Still was living here? A Yes, sir, to her father's; she was living at her place on Caney.
Q She was living there all the time, was she? A I couldn't say about all the time.
Q She had a place there? A Yes, sir.
Q Etta Thomas was not there? A She was the one that had a place there.
Q You said Della? A Della was on Lightning Creek.
Q They were both living here, and on places, and were married some fifteen years ago? A Yes, sir.
Q And have they continued to reside here since that time? A Della has; I seen her all the time since then.
Q Do you know where these two girls were at the time the 1880 roll was made? A No, sir, I don't know.
Q Can you explain why they were not on the 1880 roll? A No, I couldn't.

By Mr. Davenport:
Q Frank, where was Jonas Ragsdale living when his first wife died?
A On Pryor's Creek.
Q Do you know where Jonas Ragsdale's mother was living at that time?
A She was living in Kansas, I suppose.
Q When your sister died, Ragsdale had returned? A Yes, sir.
Q After the death of your sister where did Ragsdale go? A I don't know; he was on Pryor's Creek.
Q He went back to Kansas, did he not? A I don't know.
Q You saw him quite frequently, about those times, didn't you?
A Yes, sir, I saw him after my sister died; he went off and was gone about a year, I guess, and I saw him after that, off and on, all the time.
Q About when was it with reference to the year that he returned to the Cherokee Nation after the death of your sister, who was his first wife? A About what year after that?
Q Yes. A He went away, it must have been about '69 when he come back; wasn't gone long.
Q Did he have any children by his second wife when he came back?
A I never saw him just then; he lived on Grand river and I lived on Pryor's Creek.
Q You don't know where Della Still was born? A No, sir.
Q Do you know where Etta Thomas was born? A No, sir.

Q Have you any information whatever from either party as to where they were born? A No, sir, I never heard them say where they were born.
Q Have you ever heard Jonas Ragsdale say where the children was born or where he was married to his second wife? A I don't remember
Q What was his first wife's name? A Agnes.
Q You have seen Jonas Ragsdale first and last quite often in the Cherokee Nation since the close of the war? A Yes, sir.
Q How often have you seen Etta Thomas and Della Still in the Cherokee Nation since the close of the war? A It has been about fifteen years now, a good deal.
Q They were not born in the Cherokee Nation? A I couldn't say that.
Q How large were they when you first saw them? A They were little when I first saw them.
Q That was about what year? A I don't remember now what year;they were smallchildren when I saw them.
Q I will ask you from that time did you ever see Etta Thomas in the Cherokee Nation any more until she and Albert moved to the Cherokee Nation? A I saw her on Caney at her father's.
Q Then when did you next see her in the Cherokee Nation? A I couldn't remember when the next time was.
Q Did you ever see her in the Cherokee Nation from the time she was a child until she was grown and married and along about the time of the Kern-Clifton payment? A Yes, sir, a good while before the Kern-Clifton payment.
Q Did you know Mandy Ridge in her life time? A Yes, sir, I saw her.
Q How long before the making of the Kerns-Clifton roll did you see them in the Cherokee Nation? A A good while.
Q I will ask you if it isn't a fact that Etta Thomas came in advance of her husband, Albert, to Vinita, in the fall of 1895 or '6, before Kerns-Clifton, and if Albert Thomas didn't follow her from Iola or Erie, Kansas to Vinita? A I don't know.
Q Or from some point in Kansas? A I don't know.
Q Did Etta Thomas and Albert Thomas, her husband, ever have their residence where they lived and made their home in the Cherokee Nation prior to July, 1895? A I don't know.
Q When did Della and her husband, to your knowledge, move to the Cherokee Nation after Della was married to Groomer? A It has been about 15 years.
Q She was grown at that time? A Yes, sir.
Q Did she, to your knowledge, from the time her mother and father separated up until the timeshe was grown and married ever have a permanent residence or a place which was her home and where she resided? A I don't know.
Q In fact you don't know anything about where the girls lived after the separation of the mother and father? A No, sir, I seen them with their father once or twice, but don't know where they lived.
Q What became of the mother after the separation? A She went back to Kansas.
Q The girls went with her? A Yes, sir.
Q And lived in Kansas until they were grown and married? A No, they were with their father part of the time.
Q Did they make their home with their father? A They were there.
Q How long did you know of either one of them staying with their father in the Cherokee Nation? A I couldn't count the days.
Q How many times did you see them there during the time? A Twice.
Q That covered a period of about how many years? A I couldn't say.
Q It covered a period of from '69 or '70 until 1894 or '5, didn't it? A I couldn't say forcertain.

Q Were both of the girls there when you saw them, each time? A Etta wasn't there each time, but Della was; I seen her there twice.
Q As a matter of at Della came to the Cherokee Nation several years before Etta, didn't she? A I couldn't say; I seen Della more often than Etta.
Q Do you know what year Della and Gregmer married? A No, sir.
Q They were married in the Cherokee Nation were they? A I could not say.
Q Where were Etta and Albert Thomas married? A I don't know.
Q They wasn't married in the Cherokee Nation, were they? A I couldn't say.
Q You have lived near Jonas Ragsdale for several years? A After he moved to Caney, I have.
Q When did he move there? A 20 odd years ago.
Q How far have you lived from him during the 20 years? A 24 or 25 miles.
Q How often have you been there or has he been at your place during that time? A I have been there sometimes.
Q And all the times you have been there you have just seen the girls there twice from the time of the separation until the girls were grown and married? A Yes, sir.

HARRY STILL, being first dulysworn, testified as follows:

By the Commission:
Q What is your name? A Harry Still.

Mr. Davenport: The representatives of the Cherokee Nation objects to this witness giving testimony in this case on the gounrds that he was at one time the husband of one of the applicants, and notwithstanding he is separated from her now, the rules of vidence in force in this country prohibits the husband from testifying for or against his wife during marriage or after separation as to any transaction having taken place.
Commission: Objection will be noted.

Q How old are you? A Close to 60.
Q What is your posteffice address? A Hayden.
Q You are an applicant for enrollment as a Cherokee freedman? A I believe so, yes, sir.
Q Do you know the applicants in this case, Etta Thomas and Della Still? A Yes, sir, I know them both.
Q What relation, if any, is Della Still to you? A None whatever.
Q Was she at one time your wife? A Yes, sir.
Q Are you separated now? A Yes, sir.
Q Are you divorced? A Yes, sir.
Q Who secured your divorce? A The court.
Q Who got the divorce, you or she? A She got it.
Q How long have you known these two girls, Etta Thomas and Della Still? A Well, a little the rise of 20 years.
Q Do you know where they were born, either of them? A No, sir.
Q Do you know their father? A Yes, sir.
Q What was his name? A Jonas.
Q Jonas what? A Ragsdale.
Q Was he a Cherokee freedman? A I don't know; I don't know who he belonged to before the war.
Q When did you first know him? A The first time in '67.
Q Where was he living at that time? A I don't know where he was living, on Pryor's creek or on Grand river, but I saw him on Pryor creek.
Q Did he have a wife and family living with him at that time? A I don't know.
Q Did you know the mother of these children? A Yes, sir.

Q Was she a Cherokee freedman? A No, sir.
Q How long did she and Jonas live together after they were married?
A I don't know; I just want to make astatement about Etta.
Q Don't you know anything about Della Still? A Yes, sir, I know her.
Q Just state then what you know as to the continued residence in the Cherokee Nation of Etta Thomas and Della Still? A Etta Thomas has got a place right now on Caney, that Bub Trainor took away from her 10 or 12 years ao, and this Bub Trainor taken the place and is living right on it now; that place belongs to Etta now; she had a place before Della did and lived on it----
Q How long ago was it that she aqquired that place? A It has been fifteen years or more.
Q When did Della Still first move to the Cherokee Nation? A She married shortly after that and she had a place there and has been on Lightning Creek 12 or 14 years. Etta has a place right there and Bub Trainor took it awty from her.

Mr. Davenport: The Cherokee Nation objects to this as incompetent, immaterial and irrelevant.
Commission: Objection noted.

Q Were these children grown when you first knew them, or their living in the Cherokee Nation? A No, sir.
Q Had they married when you first knew of it? A No, sir.
Q They were living with their father, on Caney? A Yes, sir.
Q How long ago was that when you first knew of their living there?
A It has been over 20 years ago; they was young ladies then; neither one of them married. Etta went off and when she came back she was married to a man by the name of Thompson. She made a place on Caney, she lived there and her husband got into a racket and separated. She then married this Thomas and lived with him a while and he was a cook, and he went from her to Iowa and Etta she stayed around with Della and her daddy and went to her mother's and from there to Iowa where her husband was.
Q Where was her mother? A In Shawnee or somewhere in Kansas.
Q Somewhere in Kansas? A Yes, sir, when Etta parted her mother wasn't here, and she got scared and went off to her mother and in the meantime she married Thomas, and went from here to Iowa and Etta finally abandoned the place and went to Iowa; that is, Bub Trainor took it away from her. And then Etta she came back here and bought another place and she has been living here ever since.
Q Has Della been out of the Nation since you first saw her here with her father? A The first time I saw her she was a young girl at her daddy's on Caney. The next time I saw Della she was married to a man by the name of Croomer and they made a place, it seems to me in '83, and lived there for several years, and finally moved to Lightning Creek and been there ever since.
Q Do you know where these two girls were living at the time the 1,0 roll was made? A Della was here; it has been 20 years ago.
Q Do you know why their names do not appear on that roll? A It was an overnight; I am satisfied that Jones told Link Foreman to put them on and Link didn't do it.

By Mr. Davenport:
Q You didn't know anything about the mother of these children before she and Jones married? A I knew her in '62.
Q Where was she living then? A In Fort Scott.
Q Where was she living when Jones married her? A I don't know whether in Shawnee or Fort Scott.
Q He got her at Iola didn't he? A I don't think so.
Q Where was Etta Thomas born and where was her mother living then?
A I don't know.

Q I will ask you if Della Still wasn't born at Erie, Kansas? A I don't know, only what I hear people say.
Q Now how long after Jonas and the mother of these two applicants were married until they moved to the Cherokee Nation? A Don't know that, sir.
Q When do you first recollect of having seen Jonas and his wife and these children in the Cherokee Nation? A Never did see his wife there.
Q Where was Jonas living at the time you remember seeing these children? A On Caney.
Q Had he married the third wife then? A He had then.
Q Didn't he have other children? A Yes, sir, Vian and Sophie.
Q Where was Della living when she married Groomer? A I don't know.
Q I will ask you if she wasn't living at Fredonia? A I think she was with Jonas; she was married at Claremore.
Q Was she married to anyone prior to marrying Groomer? A No, sir, Della was married at Claremore.
Q She married Groomer before she came to the Cherokee Nation, didn't she? A I don't know.
Q If she made the following answer to the following question, I will ask you if it is true: "Were you married at Cherryvale? A No, sir, Fredonia; we remarried here in 1890 and I have my license."? A That is the only one I know anything about.
Q You were married in 1890?? A Yes, sir.
Q Is that true or untrue? A I guess that is true, I don't know.
Q Where was Etta Thomas and her first husband living when they were married? A I don't know that; the first time I know Etta was with her ~~m~~ father and not married.
Q How old was she then? A Young lady
Q How many days did you see her there? A No amount of days.
Q Did you see her more than once? A Yes, sir.
Q How often were you there? A Often.
Q Did she live with him a year or two years? A Etta lived there--
Q I aint asking you that; how long are you able to swear that Etta Thomas lived at any one time from the time of the separation of her father and mother up to the time she was married to Thompson, her first husband, in the Cherokee Nation? A I don't know; she used to come there to her daddy's place, but don't know how long she stayed.
Q Did she live with her mother in Kansas? A They say she went there.
Q How long did she live there? A Etta had a place on Caney.
Q Where did she live? A On Caney.
Q How long did you know she lived there? A Anumber of years.
Q Then if she says she lived in Kansas it is untrue? A I guess she lived there, yes, sir.
Q Don't you know she stayed there until she married? A No, sir, I have seen her here and not married.
Q How old was she when she married? A She was 14 or 15, I guess.
Q You never knew anything about her until she married? A Yes, sir.
Q Where? A ~~At Illinois, on Caney~~ Jonas' on Caney.
Q When did he move on Caney? A Ever since he left Grand river.
Q About 20 years? A More than that.
Q Did Frank Ross say he lived there 20 years? A More than that; Clem Rogers will tell you that.
Q Where was she living when she and Albert Thomas were married?
A I don't know, when I saw them again she married Thompson and lived on Caney.
Q I am talking about Thomas? A I don't know where she was living.
Q Then she went back to Kansas, didn't she? A I don't know, only she got Al Thomas and then he went to Iowa and she went up there.
Q When did she and Al Thomas come back to the Cherokee Nation to live? A In '96; Etta had a place on Caney, and just went up and came back to her place on Caney.

Q If she says she didn't own a farm on Caney, is that true or not?
A It is not true; she did own it.
Q Etta Thomas when asked the following question gave the following answer: "Well, you have owned these farms all of the time, have you; have you still the farm on Caney? A No, sir." ? A Certainly she didn't have it; because they took it away from her.
Q I am asking you about it, had------ A It was given to her.
Q Then she is mistaken, is she? A Yes, sir.
Q Wasn't Bub Trainor killed in 1897? A I think he was.

By the Commission:
Q After you knew of these girls having acquired places, as you say, in the Cherokee Nation, when they went away did they leave any property or effects of any kind, any household effects in the Cherokee Nation? A Yes, sir, Etta never did take her things away; she left her things and place rights there, because when Bub Trainor went in there with his winchester they went out and left everything.

Mr/ Davenport: The representatives of the Cherokee Nation object to the testimony and moves to strike out all pertaining to their running off.

Commission: Objection will be noted and testimony will be considered for what it is worth.

By Mr. Davenport:
Q What did she leave there? A She had bed clothes; wearing clothes
Q What else? A Things just like people do have.
Q What did she leave there? A She never took all her things away; she never had time.
Q What bedclothes or household goods did she leave to your own knowledge? A To my own knowledge she left the house and place.
Q Then when you answered awhile ago, you answered to something that wasn't true, did you? A She left some things.
Q Do you know of your own knowledge or to what she said? A I am testifying to what she said about the bedclothes.
Q Then you have no knowledge whatever of your own as to whether she left anything there? A Yes, sir.
Q What was it? A A place.
Q Household effects, I mean? A I am not positive.

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. . Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above and foregoing cause and that the above is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 27th day of June, 1904.

Charles H Sawyer

Notary Public.

GJ. 750

Phoenix Printing Company, Muskogee, Indian Territory.

POWER OF ATTORNEY.

~~Know All Men by These Presents:~~

That I, Della Stiles of Muskogee Nation, have this day made, constituted and appointed W. J. Sullivan of Muskogee Indian Territory, my lawful agent and attorney in fact to act for me and in my name, place and stead in the transaction of the following business; that is to say, to ~~lease, let, rent and otherwise dispose of my land in the ..... which has been allotted to me by the proper officers of the United States; which land is described as follows:~~ in all matters pertaining to my Cherokee Citizenship

Said W. J. Sullivan ~~is only authorized to dispose of said land for ..... purposes and to do so as the law may direct, and said ..... as .....~~ is authorized to sign my name to any and all instruments of writing necessary to the consummation of the business aforesaid, and to do and perform any and all other acts and things necessary to the accomplishment of the same as I could lawfully do if personally present and acting. And I hereby ratify and confirm all that my said attorney may lawfully do relative to the business aforesaid. ~~And I hereby agree to pay my said attorney for his services in the performance of said business an amount equal to ..... per cent of the value of the property to be disposed of under this Power of Attorney.~~ All former Powers of Attorney relative to said business so entrusted to my said agent are hereby revoked, and this Power of Attorney is irrevokable.

Given under my hand, this the 14 day of July 1904.

Della Stiles New Spoon.

Cherokee Freedmen D 250/

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DELLA STILL, ET AL., as Cherokee freedmen.

The principal applicant appears on this day and asks to be allowed to introduce further testimony in her case. There being no objection on part of the attorney for the Cherokee Nation present, the following testimony was introduced.

APPEARANCES:
Applicant appears in person and by attorney W. J. Sullivan.
Cherokee Nation appears by its attorney, James S. Davenport.

DELLA GROOMER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Della Groomer now.
Q How old are you? A I was born in '70.
Q What is your postoffice address? A Hayden.
Q Are you the person who has heretofore applied to this Commission for enrollment as a Cherokee freedman under the name of Della Still?
A Yes, sir.
Q You now want to give further testimony in your application?
A Yes, sir.

By Mr. Sullivan:
Q You applied before the Commission at Vinita, Indian Territory, on May 10, 1901, did you Della? A Yes, sir.
Q At that time this question was asked you, "During the Wallace enrollment you lived in Kansas?" You answered, "He couldn't walk at that time." Then the next question, "I saw during the Wallace enrollment?" You answered, "I was in Kansas." Is that true or not?
A I may have said it, but I was mistaken.
Q As a matter of fact where were you living? A On Caney.
Q Living on Caney? A Yes, sir.
Q That is when you drew the Wallace payment? A Yes, sir.
Q Do you own a home upon the public domain of the Cherokee Nation?
A Yes, sir.
Q How long have you owned a home on the public domain? A Ever since before the Wallace payment.
Q Ever since before the Wallace payment? A Yes, sir.
Q Have you owned a home continuously since that time? A Yes, sir.
Q You have one now? A Yes, sir.
Q Are you living on it? A Yes, sir.
Q You stated to the Commission that your name was Groomer, were you ever married to a man by the name of Groomer? A Yes, sir.
Q Were you married to him in the Cherokee Nation? A Yes, sir; the first time I wasn't.
Q Where were you married the first time? A Fredonia.
Q Kansas? A Yes, sir.
Q Were you living in Fredonia at the time or did you go there to get married? A I went there to get married.
Q Were you subsequently married in the Cherokee Nation? A Yes, sir
Q In accordance with Cherokee laws? A Yes, sir.

Q You have got your marriage certificate? A Yes, sir.
Q Have it with you? A No, sir, it is at home.

Mr. Davenport: Objected to because record is best testimony.
Mr. Sullivan: I will ask leave to file that record.
Mr. Davenpot: We object to that, unless the representatives of the Cherokee Nation has an opportunity to inspect it and make proper record at the time of its being filed.
Commission: Applicant will be given ten days within which to file document referred to.

Q Is your husband Groomer living or dead? A Dead.
Q Where did he die? A He died at Vinita.
Q In the Cherokee Nation? A Yes, sir, taken him there to the doctor.
Q What year did he die? A In '93.
Q You may state whether or not after his death there was an administrator appointed? A Yes, sir.

Mr. Davenport: We object to that upon the same grounds as before; the record is the best testimony, and if there was an administrator appointed there must be a record of it somewhere.
~~Mr. Sullivan: I will ask~~
Commission: Objection noted.

Q I will ask you whether or not you have letters of administration?
A Yes, sir.
Q Have you them with you?

Mr. Davenport: We object to that and move to strike out from the record all the testimony pertaining to these letters of administration because the record is the best evidence, and oral testimony is incompetent to prove a record.
Commission: Objection noted.

Q Do you know by what court those letters was granted? A Watt Starr was judge.
Q Cherokee court? A Yes, sir.

Mr. Sullivan: I will ask the same time to file those letters with the Commission that the Commission granted within which to file the certificate of marriage.
Mr. Davenport: The representatives of the Cherokee Nation object to the granting of any time in this matter, within which to file these records, because it only consented to take testimony upon one point alone, and hasn't had any opportunity to inspect the records.
Commission: The atterney for the applicant will be given same length of time within which to file this document requested, and will be required to show to this Commission that both this document and marriage paper have been submitted to the attorneys for the Cherokee Nation for inspection.

Q Since before the Wallace payment and at the time that you first acquired improvements upon the public domain have you always made your home in the Cherokee Nation? A Yes, sir.

By Mr. Davenport:
Q Della, when was the Wallace payment? A I don't remember just what year.
Q About how many years ago has it been? A I aint certain whether it was '89 or not after the payment was.
Q Were you and Groomer married at the time of the Wallace payment?
A Yes, sir.

Q You were married at Fredonia, Kansas? A Yes, sir.
Q Do you remember the year? A About '87.
Q Where had you been living prior to your marriage with Groomer, if you can remember? A I had been living backwards and forwards from Caney to Kansas.
Q How much backwards and how much forwards? A Part of it.
Q Where was your mother living? A At Fredonia, when I married.
Q How long had she been living at Fredonia when you and Groomer married? A I don't know how long.
Q Since you could remember? A No, sir.
Q Where had she lived, your mother and you, before going to Fredonia? A She lived at Cherryvale a while.
Q How long did you live at Cherryvale? A I don't know how long.
Q Six months or a year? A I wouldn't say anything definite, because I don't know.
Q Where had you lived before going to Cherryvale? A With my father a part of the time.
Q Where had your mother and you lived? A My mother lived on Grand river.
Q Cherokee Nation? A Yes, sir.
Q What place? A I don't know; on Grand river.
Q From the time you can first remember up to the time you lived with your mother in Cherryvale where had you lived with your mother in the Cherokee Nation? A With my mother? On Grand river.
Q In what neighborhood? A I don't know.
Q Can you remember the name of anyone you lived near? A The Fryes.
Q What Frye? A Andy Frye.
Q Who was your father? A Jonas Ragsdale.
Q You didn't buy these improvements until after you and Groomer were married? A No, my father gave me my first improvements.
Q That wasn't until after you and Groomer were married? A He gave it to me before.
Q Did you ever have any possession of it, who lived on it before you and Groomer were married? A No, sir, I was here; I stayed with my father.
Q How often would you stay with you father? A Part of the time with my father.
Q About what portion of each year did you stay with your father? A Stayed with my father part of the time and with my mother part of the time.
Q What portion of the time with your father? A About half of the time, I suppose.
Q Where did you live with your father as much as six months at any year from the war until you and Groomer were married? A At Caney.
Q Kansas? A No, out west here.
Q What neighborhood? A Neighborhood of Rube and Hous Rogers.
Q They would know how long you stayed there? A Yes, sir.
Q You haven't either of them as a witness, have you? A No, sir.

Mr. Sullivan: The attorney for the applicant objects to that, because there is nothing to show they would know it; simply an opinion of counsel as to whether they would know; it isn't proven that they were there all the time.
Commission: Objection noted.

Q How far did you live from them when you lived with your father on Caney? A About a mile or two.
Q Who else lived in that neighborhood at that time? A I never visited much; I don't know; there was several names I have forgotten.
Q You remember definitely that Rube and Hous Rogers lived there? A Yes, sir.
Q You lived with your mother in Kansas all the time till you and Groomer were married, didn't you? A No, sir.
Q Never did make your home with your father, did you? A Yes, sir.

Q You didn't go with your mother after the close of the war? A I don't know anything about the war; I am not old enough.
Q Your father and mother separated and you and your sister went with your mother, didn't you? A We went with our mother and then come back.
Q When they separated the two girl childrenwere taken by the mother to Kansas, you were born in Kansas? A Yes, sir, mother was visiting up in Kansas.
Q And your mother continued to stay in Kansas from the time you were born up to the time you married Groomer? A No, sir.
Q Your mother never had a home in the Cherokee Nation from the time you can remember up until the time you married Groomer? A Yes, sir.
Q What place? A Grand river.
Q Did she own a place? A Her and father together.
Q Didn't your father live there and they had separated at that time?
A Yes, sir.
Q They didn't live together after that did they? A After they separated?
Q Yes. A No, sir.
Q They never lived together after the close of the war, did they, as man and wife? A Yes, sir.
Q They never in the Cherokee Nation together as man and wife, after the war, did they? A Yes, sir.
Q What place? A Grand river.
Q Where were you living when you could first remember? A Here at Muskogee.
Q Where was the first school you ever attended? A In Kansas.
Q What place? A I don't remember now; Cherryvale, I guess.
Q Then you next went from Cherryvale to Fredonia, didn't you?
A Yes, sir.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 23rd day of July, 1904.

Chas. N. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES .

In the matter of the application of Etta Thomas, et al. for enrollment as Cherokee Freedmen, consolidating the applications of:

Etta Thomas, et al.,	Cherokee Freedmen D 249
Della Still, et al.,	Cherokee Freedmen D 256.

D E C I S I O N.

THE RECORD HEREIN SHOWS: That application for enrollment as Cherokee Freedmen were made to this Commission by Etta Thomas for herself, her minor children, Clyde Thompson, Albert Thomas and Earl Thomas, and for her husband, Albert T. Thomas, (by intermarriage); and by Della Still for herself and minor children, Willie Croomer and John Delmar Croomer. As the application for the enrollment of Albert T. Thomas has been heretofore disposed of, his rights to enrollment as a Cherokee freedman by intermarriage will not be considered in this decision.

The record further shows that on July 1, 1903, this Commission rendered its decision enrolling the applicants herein as Cherokee freedmen, and that the proceedings in this case were duly forwarded to the Department; and that, thereafter, on April 14, 1904 (Departmental letter I.T.D. 1494-04), this case was remanded by the Department for further testimony, and on June 15, and July 15 and 25, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and are the descendants of one Jonas Ragsdale, who is identified on the Cherokee authenticated tribal

roll of 1880, and it is presumed from this enrollment that the Cherokee Nation recognized that the said Jonas Ragsdale complied with the terms of the treaty of 1866.

The evidence further shows that the said Etta Thomas and Della Still lived with their parents in the Cherokee Nation during the later 60's and early 70's; that during the early 70's their parents separated, and they were taken by their mother to Kansas, and that from said date until they reached their majority, their time was about equally divided between their mother's residence in Kansas and their father's residence in the Cherokee Nation; that since reaching their majority, the said Etta Thomas and Della Still have continuously resided in the Cherokee Nation, have owned valuable property therein, and have been recognized as citizens of said Nation by the Cherokee authorities; and that the minor applicants herein are the children of the said Etta Thomas and Della Still, and have resided with their mothers continuously since birth.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Etta Thomas, Clyde Thompson, Albert Thomas, Earl Thomas, Della Still, Willie Groomer and John Delmar Groomer, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman

(SIGNED) T. B. Needles.

Commissioner

(SIGNED) C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 28 1905

ISN

Cherokee F-1479
~~Allotment F-4084~~

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I.T., December 21, 1905.

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Inthe matter of the applicatiofor the enrollment of Della Still and her children, Willie Groomer and John Delmar Groomer, as Freedmen citizens of the Cherokee Nation.

Della Groomer (enrolled as Della Still), being first duly sworn by William P. Drew,a Notary Public, and examined on behalf of the Commissioner, testified as follows:

Q What is your name? A Della Groomer.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Hayden.
Q What was your maidenname? A Della Ragsdale.
Q What was the name of your first husband? A George Groomer.
Q Is he dead? A Yes sir, been dead fourteen years.
Q Did you marry again after the death of your first husband? A Yes sir.
Q What is the name of your second husband? A Harry Still.
Q Is he living? A Yes sir.
Q Are you living with him? A No sir.
Q Didyou secure a divorce from him in the United States Court? A Yes sir, and in the divorce I was allowed to resume the name of Ella Groomer.
Q Have you any children? A Two.
Q What are their names? A Willie and John Delmar Groomer.
Q Are they living? A Yes sir.
Q Living with you? A Yes sir.

Ira S. Miles, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case and that the above and foregoig is a true and complete trascript of his stenographic notes.

Subscribed ad sworn to before me this the
21st day of December,1905.

William P. Drew
Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Della Still,
Vinita, I.T.
Cherokee F-D-250
Register.

Cherokee Freedmen
D-250.

Muskogee, Indian Territory, July 31, 1903.

Della Still,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting, among others, your application for the enrollment of yourself and minor children, Willie and John D. Groomer, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-28.

Cherokee Freedmen
D-250 & D-249.

Muskogee, Indian Territory, July 31, 1903.

Mellette & Smith,

Attorneys for Della Still, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting the applications for the enrollment of Della Still, Willie Groomer, John D. Groomer, Etta Thomas, Clyde Thompson, Albert Thomas and Earl Thomas as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-29.

COPY.

Cherokee Freedmen
D-250 & D-249.

Muskogee, Indian Territory, July 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Della Still, et al., granting the application for the enrollment of Della Still, Willie Groomer, John D. Groomer, Etta Thomas, Clyde Thompson, Albert Thomas and Earl Thomas, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

[redacted]

Commissioner in Charge.

Enc. H-131.

Cherokee Freedmen
D-249-250

Muskogee, Indian Territory, August 10, 1903.

Edgar Smith,

Attorney for Etta Thomas et al.,

Vinita, Indian Territory.

Dear Sir:

On July 31, 1903, there was forwarded to you a copy of the Commission's decision granting the application for the enrollment of Etta, Albert and Earl Thomas, Clyde Thompson, Della Still and Willie and John D. Groomer, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant.

The decision with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-250

Muskogee, Indian Territory, August 10, 1903.

Della Still,

Vinita, Indian Territory.

Dear Madam:

On July 31, 1903, there was forwarded to you a copy of the Commission's decision granting, among others, your application for the enrollment of yourself and your two minor children, Willie and John D. Groomer, as Cherokee freedmen.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Refer in reply to the following:Land;
51636/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFIARS,
WASHINGTON, Feb. 19, 1904.

The Honorable,

The Secretary o. the Interior.

Sir:

There is transmitted herewith a reoprt from the Commission to the Five Civilized Tribes, dated August 10, 1903, transmitting the record relative to the application of Etta Thomas, et al., for enrollment as Cherokee freedmen.

Della Still applied for the enrollment of herself and her minor children, Willie and John D. Broomer. Albert T. Thomas applied for the enrollment of his wife, Etta Thomas, and her children, Clyde, Albert and Earl Thomas. He applied for the enrollment of himself as an intermarried freedman. He is not included in the Commission's decision of July 1, 1903, favorable to the other applicants.

The record in this case shows that all of the applicants are descendants of Jonas Ragsdale, whose name appears on the authenticated roll of 1880 and the Commission says

"It is presumed from this enrollment that the Cherokee Nation recognized that the said Jonas Ragsdale complied with the terms of the treaty of 1866. His descendants having been born since 1866, acquired the status of their ancestor."

This office does not agree with the position of the Commission. Etta Thomas was born at Iola, Kansas, in 1869 and Della Still was born at Erie, Kansas, in 1870. They were therefore in being when the 1880 roll was made, and inasmuch as the Curtis Act, Section 21, declared that all persons whose names are found on the 1880 roll "not including freedmen" and their descendants born since said roll was made, shall be enrolled by the Commission, it would seem that these applicants must show that their ancestor returned to and settled in the Cherokee Nation prior to February 11, 1867.

The office does not believe that the applicants are entitled to enrollment for the reasons given by the Commission and it therefore recommends that the record in the case be returned to the Commission with direction to take additional evidence if necessary, and readjudicate its decision in accordance with the law.

Very respectfully,

Acting Commissioner.

GAW-H.

D. C. 12175-1904. JP FHE LRS

DEPARTMENT OF THE INTERIOR,

ITD 1494-1904. WASHINGTON. APRIL 14, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Della Still, for the enrollment of herself and her minor children, Willie and John D. Broomer, and the application of Albert T. Thomas, for the enrollment of his wife, Etta Thomas, and her minor children, Clyde Thompson, Albert and Earl Thomas, as Cherokee freedmen.

You found in your decision of July 1, 1903, in favor of the applicants, that they are the descendants of one John Ragsdale, who is identified upon the 1880 authenticated Cherokee roll, and you stated that the presumption from this enrollment was that the Cherokee Nation recognized that John Ragsdale complied with the terms of the treaty of 1866, and you held that his descendants "having been born since 1866," acquired the status of said ancestor.

It is stated in your decision that Etta Thomas has resided in the Cherokee Nation continuously since 1896 or 1897; that Della

Still has resided there continuously since 1887; and that said children have resided with them. You found the parties entitled to enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495).

The Acting Commissioner of Indian Affairs submitting the case February 19, 1904, concluded that Etta Thomas was born in Kansas in 1869, and Della Still was born there in 1870, and as their names do not appear upon the 1880 roll, none of the applicants are entitled to enrollment. He, however, recommends that the case be remanded for further testimony if necessary, and for readjudication by you "in accordance with the law."

This conclusion as to the law is erroneous, as shown by the opinion of the Assistant Attorney General, approved by the Department, of March 22, 1904, relative to the request of the attorney for the Cherokee Nation, upon questions stated therein.

The nation protests against your decision in this case, and claims that the principal applicants established no permanent residence in the Cherokee Nation from their birth until long after both were married and had children born in Kansas. It is contended "that it makes no difference if their alleged father, after the birth of these principal applicants, separated from their mother, and came to the Cherokee Nation prior to 1880, by some means got his name put upon that roll. If the children never came here until the time found by the Commission, but always made their home with their

mother in the State of Kansas, where they married and afterwards resided and had children born to them, they are not entitled to be enrolled as citizens of the Cherokee Nation, but were clearly citizens of the State of Kansas, and residents of that State, and upon their return here, like Cherokees by blood, if they desired rights, they should have memorialized the Cherokee National Council."

This view of the matter is entitled to careful consideration.

As the Department finds the testimony insufficient upon which to render a decision in favor of these applicants, it is deemed advisable to remand the case in order that both the applicants and the Nation may have opportunity to submit further testimony and that the case may be readjudicated by you. The testimony and papers attached thereto are therefore inclosed herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos Ryan
Acting Secretary.

2 inclosures.

Cherokee Freedmen
D 250

Muskogee, Indian Territory, May 7, 1904.

Della Still,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and two minor children as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 14, remanding the Commission's decision of July 1, 1903, granting, among others, your said application.

In accordance with instructions contained in the Department's letter, you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce further testimony as to your residence since birth, as to whether or not your father was the slave of a Cherokee citizen before the war and as to the date of his return to the Cherokee Nation after the war. There has this day been forwarded your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the Department's letter above referred to.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 249-50

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Etta Thomas, et al., and Della Still, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 14, remanding the Commission's decision of July 1, 1903, granting these applications.

In accordance with the Department's instructions the principal applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce further testimony as to their residence since birth, as to whether or not their father was the slave of a Cherokee citizen before the war, and as to the date of his return to the Cherokee Nation after the war. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-29

Commissioner in Charge.

Cherokee Freedmen
D 249-50.

Muskogee, Indian Territory, May 7, 1904.

Edgar Smith,

Attorney for Etta Thomas, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Etta Thomas, et al., and Della Still, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 14, remanding the Commission's decision of July 1, 1903, granting these applications.

In accordance with the Department's instructions the principal applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce further testimony as to their residence since birth, as to whether or not their father was the slave of a Cherokee citizen before the war, and as to the date of his return to the Cherokee Nation after the war.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-28

Commissioner in Charge.

Cherokee Freedmen
D 250

Muskogee, Indian Territory, June 23, 1904.

Della Still,

Hayden, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 5, asking for a continuance in the matter of your application for enrollment as a Cherokee freedman which case was set for hearing before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904.

In reply you are advised that on June 15, the Commission took the testimony of Andrew Frye, Franklin Ross and Harry Still, those witnesses having appeared on that day and stated that they had been requested by you to appear and give evidence in your case. You are requested to advise the Commission whether or not you still desire a continuance in your case in order that you may introduce further testimony.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-249, et al.

Muskogee, Indian Territory, June 28, 1905.

W. J. Sullivan,

Attorney for Etta Thomas, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-53
Register

COPY

Cherokee Freedmen

D-240, et al.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-54

COPY

Cherokee Freedmen
D-249, et al.

Muskogee, Indian Territory, June 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen, including the Commission's decision dated June 25, 1906, granting said applications.

On April 14, 1904, this case was remanded for further hearing and readjudication.

Respectfully,

Incl. S-55

Chairman.

Through the

Commissioner of Indian Affairs.

964

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-250.

Muskogee, Indian Territory, June 28, 1905.

Della Still,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, W. J. Sullivan, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl, S-52
Register

Land.
50938-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Thomas Pack Sr., for himself and his minor children, Thomas Jr., Howard and Albertha Pack.

June 30, 1905, the Commission decided adversely to all the applicants.

The record shows that after ample time and opportunity the principal applicant has failed to establish by satisfactory evidence that he possesses any rights to enrollment as a Cherokee Freedman and he cannot be identified on the 1880 authenticated Cherokee roll; that the minor applicants are his children, born since 1880 and possess no rights to enrollment other than as his descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

M.M.M. (V)

Acting Commissioner.

Refer in reply
to the following:
Land.
50927-1905
55793-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON. August 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Etta Thomas for herself and her minor children, Clyde Thompson and Albert and Earl Thomas; and by Della Still for herself and her minor children, Willie and John Delmar Groomer.

June 28, 1905, the Commission decided favorably to all the applicants.

The record shows that all the applicants were born since 1866 and are the descendants of one Jonas Ragsdale who is identified on the 1880 authenticated Cherokee roll.

It is further shown that Etta Thomas and Della Still lived with their parents in the Cherokee Nation during the later 60's and early 70's; that during the early 70's their parents separated and they were taken by their mother to Kansas, and from that date until they reached majority their time was equally divided between their mother's residence in Kansas and their father's in the Cherokee Nation; that since reaching their majority Etta Thomas and Della Still have continuously resided in the Cherokee Nation, have owned valuable property therein and have been recognized as citizens of the

Nation by the Cherokee authorities; that the minor applicants are the children of Etta Thomas and Della Still and have resided with their mothers' continuously since birth.

There is also enclosed a letter from the attorneys of the Cherokee Nation dated July 15, 1905, transmitting a brief on behalf of the Cherokee Nation in this case, which has been duly considered.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

W.M.W.
W.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 9948-1905

September 9, 1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Etta Thomas and her minor children, Clyde Thompson and Albert and Earl Thomas, and for the enrollment of Della Still and her minor children, Willie and John Delmar Groomer, as Cherokee freedmen, including its decision of the same date, which was favorable to all the applicants.

Reporting August 8, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The department has considered a protest in the case filed by the attorneys for the Cherokee Nation. The Recommendation of the Indian Office is concurred in and the decision of the commission is affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-249, et al.

COPY.

Muskogee, Indian Territory, September 19, 1905.

Edgar Smith,

Attorney for Etta Thomas, et al.,

Vinita, Indian Territory.

Dear Sir:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

W. C. Brace

Acting Commissioner.

LS

Incl. S-16

Cherokee Freedmen

D-249, et al.

COPY.

Muskogee, Indian Territory, September 19, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the applications for the enrollment of Etta Thomas, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Wm O. Beach

Acting Commissioner.

LS

Incl. S-17

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-250.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 19, 1905.

Della Still,

Vinita, Indian Territory.

Dear Madam:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting your application for the enrollment of yourself and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 9, 1905.

You are further advised that you will not be permitted to make allotment selections for yourself and minor children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

W. C. F.
Y. P.
LLB

D. C. 48140-1905.
I.T.D. 8386-1905. DEPARTMENT OF THE INTERIOR,
LRS WASHINGTON.

October 14, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Thomas Pack, Sr., for the enrollment of himself and his minor children, Thomas, Jr., Howard, and Albertha Pack, as Cherokee freedmen.

Reporting July 15, 1905, the Indian Office recommended that the Commission's decision, adverse to all the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Fr.
D-1004

COPY.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment as Cherokee Freedmen of Thomas, Thomas, Jr., Howard, and Albertha Pack, Cherokee Fr. D-1004, was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Commissioner.

Encl. J-16

Cherokee Freedmen

COPY.

D 1004.

Muskogee, Indian Territory, October 31, 1905.

Thomas Pack,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your application for the enrollment of yourself and children, Thomas Jr., Howard and Albertha Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

LS
Incl. S-54

Muskogee I.T.
10/19/04

Recd of Dawes Commission
1 Copy of Departmental Letter.
(DD 6295-7660-1904)
Ike George and Judy Bell

W. J. Sweeney
Attorney for Applicants


APR



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

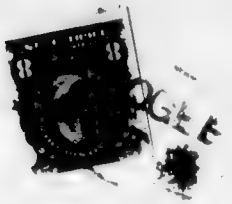
Penalty for private use, $300.

Mrs. Della Still,

[redacted], Indian Territory.

REGISTERED
JUL
VINITA, INDIAN

tment of the Interior.
.mission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





$2000


OCT 26

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Return if Not
UNCLAIMED

1456

Cher Fr 1480

Trans. from Cher Fr D 415

Cher Fr 1480

File with Mary C. Lane, C.F. D-666.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 23d, 1901.

In the matter of the application of John Vann for the enrollment of himself, wife, four children and his mother as Cherokee Freedmen; said Vann being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A John Vann.
Q How old are you? A About 45 I guess.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes sir, she is sick and aint able to get around.
Q How old is she? A She is about 725 years old.
Q Then yourself and your mother? A And my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, she don't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her you can't tell what her rights may be? A All right, and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the children living with her? A Yes sir.
Q She had better apply for them? A All right.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation about 34 or 35 years.
Q Where did you live before that? A Lived sometime in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Were you taken to Kansas during the war? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life except when you were in Kansas that time? A Yes, sir, this has been my home all the time.
Q You have never made your home anywhere else? A No, sir.
Q Give me the name of your father? A His name was Gull Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Give me the name of your mother? A Susan Pee or Vann.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Pee.
Q How long has she borne the name o Pee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q Where did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '97.
Q You had been married before that had you? A Yes, sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in '75.
Q Where did you marry her? A On Grand river in Delaware district.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It has been about, she died in '79.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84; no, it was '83.
Q Is she dead? A Yes, sir.

Q Is she dead? A Yes, sir.
Q When did she die? A '91.
Q Was she a Cherokee Freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now, your present wife, has she any right to enrollment of her own, or only by right of marriage? A Only by marriage.
Q Give me the names of your four children? A George Vann.
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is Jame? A 14.
Q Give me the name of the next child? A Cull.
Q How old is Cull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva? A She is 11.
Q That is all is it? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Cull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?
A Yes, sir, but is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q Where is he? A He is out here, George Lynch; that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1852.
Q What is your postoffice? A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years?
A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why, I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember?
A Well, sir, the first time, I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I got back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married then; he married during this last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence ~~xxx~~ then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I learned she went by the name of Mattie, Smith before he married her.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she? A Yes, sir, she is dead.
Q You have no personal knowledge of his ever having married before

he married Mattie Smith? A If he had I didn't know it.
Q Did you know Mattie Smith during her life time? A Yes sir.
Q Did you know her as this man's wife? A Yes, sir.
Q Are not you one of his witnesses on his marriage certificate?
A Not as I know of; I knew he married sometime after that at that time; I know he married, they stayed at my house and his wife was my wife's sister at that time.
Q Do you mean this wife Mattie, was a sister of your wife?
A Yes, sir.
Q Well, where did he and this woman Mattie marry? A Well now I will tell you gain, they married at my absence and I would like to be positive if I tell that, I don't know.
Q Where were you when they married? A I, as well as I remember, was traveling with a show.
Q You don't know where they were married do you? A Well I tell you I don't know, was not positive.
Q Do you know how long they lived together as husband and wife?
A Well, as well as I can remember it was somewheres in the neighborhood often or eleven years, as well as I can remember.

JOSH VANN, the Applicant, re-called:
Q You say you have a certificate of marriage to that last woman?
A Yes, sir, and I will produce it, but I haven't got it here.
Q What was the name of this woman, Mattie, before you married her? A Mattie Smith.
Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.
Q Was she ever married before she married you? A Yes, sir.
Q How many times? A Once as far as I know; I don't know only what she told me.
Q Was that husband dead when she married you? A Yes, sir.
Q How long has your mother lived in the Cherokee Nation? A All her life, only what time she was out as I understand.
Q All her life except a while during the war and little after?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that ~~hi~~ of his father or mother not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants' names and those of parents of Applicant not found thereon.

Q Was your family on the roll of 1896? A I don't know.
Q You are not? A No, sir.
Q Where was George Vann born? A Born in Delaware District.
Q Where was James born? A Delaware District.
Q And Cull and Eva? A Same, Delaware District.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3853, Josh Vann, Cooweescoowee District.
Page 156, #3852, Susan Pee, ~~Kennedy~~ or Vann, Cooweescoowee Dist
Page 163, #4032, James Vann, Cooweescoowee District.
Page 163, #4033, Cull Vann, Cooweescoowee District.
Page 158, #4034, Eva Vann, Cooweescoowee.

Q Who can that George Vann be 50 years of age there? A I don't know; there has somebody made a mistake.
Q There is no other George Vann of your family? A No, sir.

Page 163, #4031, George Vann, Cooweescoowee District, 50 years of age.

Q Are you on the Wallace Roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 146, #3038, Joshua Vann, Cooweescoowee District.

APPLICANT: Wasn't any of them (children) enrolled on the Wallace roll.

Q You were carried to Kansas were you during the war? A Yes, sir.
Q When were you taken there? A Well, I can hardly remember.
Q When did you come back? A We come back along in the summer as well as I can remember of '66.
Q In the summer of 1866? A Yes, sir, it was warm weather.
Q Were you a slave in the Cherokee Nation when the war broke out?
A I guess so, my mother was.
Q To whom did she belong? A Joe Vann.
Q Was your father a slave? A No, sir.
Q He was a non-icitizen was he? A No, sir, he wasn't a non-citizen.
Q Was he a Cherokee Freedman? A No, sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
Q Were he and your mother regularly married? A No, sir.
Q Are you the only child of his? A Yes, sir.
Q Your mother has other children? A Yes, sir.
Q Has she children by the name of Pee? A Yes, sir.
Q How many children has she of that marriage? A Had four, there is two living.
Q How does it happen that you are not on the roll of 1880? A I could not tell you.
Q Where were you at that time? A On Grand river.
Q How does it happen that your mother is not on the roll of 1880?
A I could not tell you that, they just didn't put us on.
Q Do you remember of having applied for enrollment in 1880?
A Yes, sir.
Q And what did they say to you? A They didn't say anything, only just taken ous names, taken all the names.
Q Did they refuse you at that time? A No, taken our names, I don't know what he done with them.
Q That is all you know about it? A Yes, sir.
Q How does it happen that you are not on the roll of 1896?
A I was not here.
Q Where were you? A I was up in Kansas.
Q What were you doing up there? A I was working part of the time.

By W. W. Hastings, Cherokee Representative:

Q What was your stepfather's name? A Charley Pee, one of them was named Charley Pee.
Q Where was he and your married? A They was married in Kansas.
Q During or after the war? A It was right away after the war.
Q After peace was declared? A Sometime about that time.
Q You remember that? A I remember a little about it, not a great deal.
You remember when your mother was married?, A Well, yes, sir, I remember something about it.
Q About how old were you when the war closed? A I guess that I was about eight or ~~xi~~ ten years old, I don't know my age exactly.
Q What was the oldest child's name that your mother had by your stepfather, Charley Pee? A Lettie.
Q Was Lettie older than Jesse? A No, sir.
Q Was Lettie younger than Martha? A No, sir.
Q Then Kesse and Martha are not children of your mother by Charley Pee? A No, sir.
Q Is Lettie living? A Yes, sir.
Q Where does she live now? A Vinita.
Q Is she married? A Been married.
Q How old is she? A I would think she is about 32.
Q Where was Lettie born? A She was born in the Cherokee Nation.
Q Where? A Up close to the line of Kansas.
Q Do you remember going back with your mother after the war?
A I remember a little about it.
Q How did you return to the Cherokee Nation? A In a wagon.
Q A horse wagon? A Yes, sir, we had a mule team.
Q Did you have more than one team? A Yes, sir, we didn't have

but one wagon though.
Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more than one team.
Q Did you bring them along with you? A Yes, sir.
Q Did any others besides your own family come back with your stepfather and mother, any other colored people I mean? A Why there was another family come down when he first come down there before he come and got us, when mother and us come he come and got us, there was not anydoby come with us then at that time.
Q He come down here then first, before you and your mother?
A Come a little while before we did, he come in the spring.
Q And he came back after you and you all came in the summer follww-ing? A Yes, sir.
Q Now to what point in the Nation did you return? A Down here on Russell Creek.
Q How far from Chetopa, Kansas? A About three miles, maybe a little more.
Q You located there that summer? A Yes, sir, we stopped there that summer.
Q Built a house? A Built a little shanty in the fall like.
Q How long did you remain there at that place? A We stayed there that winter.
Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.
Q What did you do during that summer and winter? A I didn't do anything.
Q What did your stepfather do? A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.
Q Did you have any neighbors up there? A Not as I know of.
Q You never saw any at all? A No, sir.
Q Did you raise any crop? A No.
Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have stold it, I don't know.
Q Did he ever go up to Chetopa? A Wasn't any Chetopa.
Q About how far from where Chetopa now is, I think you answered it a while ago? A About three miles.
Q On which side of the M.K.& T. railroad, east or west? A It is east of the M.K.& T. Railroad.
About how far? A About two miles and a half or three miles.
Q Do you know who owns a farm up where that is now? A No, sir, I don't.
Q Well what did you do, leave there? A Why we went the next spring back across there in the States.
Q In Kansas? A Yes, sir.
Q What part of Kansas? A We went over there where Chetopa is now and from there acrossed the river, crossed the river on the other side, what is called Neutral land, or something of that kind.
Q About how far from Chetopa? A About two miles and a half.
Q North? A Northeast.
Q Well, how long did you stay there? A Stayed that summer and until fall like and then we come back to Russell Creek.
Q In the fall of '67 you returned then to where you had been previous to that? A Yes, sir.
Q How long did you live there? A We lived there that winter a part of the winter and we went back over across the line.
Q That was sometime in the winter of '67? A I think it was.
Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.
Q All the year of '68, and then when did you return to the Cherokee Nation? A We stayed there until the fall or winter of '69 I think, I aint sure now, and then we come back to the Nation and moved down on Verdigris.
Q That was in '69? A I think so.

Q Well, now, to what point on the Verdigris did you come then? A Right where the Creek line crosses the Verdigris river. Q Well, how long did you remain there? A Moved on Grand river. Q And that must have been about the year '70 or '71? A Somewhere along there. Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake. Q In Saline District? A No, sir. Q On the west side of the grand river? A Yes, sir. Q How long did you stay there? A About a year. Q And then where did you go? A Up on Grand river in Delaware District. Q And that was '72 or '73 was it? A '73 I believe. Q Well when did you go back to Kansas after that? A I went every once in a while. Q Well when was the first time youwent? A I went back to Kansas and herded cattle for a man in '72. Q On what place? A Right at the head of Russell Creek. Q How long did you stay up there? A I stayed up there that once summer and winter. Q You were married up there the first time? A No, sir. Q Where were you married the first time? A On Grand river. Q When was that? A In '75 I believe, somewhere along there. Q Who married you? A Colored preacher. Q What was his name? A Named Fred Martin. Q Did your mother ever go back to Kansas after she moved down on Verdigris river as you stated about '69? A No, she didn't go back from Verdigris. Q I mean did she ever go back to Kansas after that time? A Oh, yes, she has been xi back to Kansas. Q When did she go back after that? A She went back in, it was '69 or 70, I don't remember. Q Where did she go? A Chetopa. Q How long did she remain up there at Chetopa at that time? Q Not a great while, I don't think. Q About the best of your judgment? A Well, she has been back there several times, she would go there and work, but I don't remember just how long she did stay. Q As much as a year or two? A No sir, she didn't stay that long. Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you we moved up here on Grand river about '72. Q Make a place up there? A Bought a little place up there. Q You were married once in Kansas were you not? A Married twice in Kansas. Q The second and third times? A Yes, sir. Q When were you married in Kansas?, A '97. Q That was not the second time was it? A I married in '83. Q Where were you married in Kansas? A In Marion County, Kansas Q Where is that, how far from Kansas City? A About 175 or 200 miles by rail. Q Did youmarry a State raised woman? A Yes, sir. Q What were you doing up there? A I went up there to work. Q How long had you known your second wife before you married her? A About four months. Q Where did your wife die, second wife? A Died in Vinita. Q How long had she been in Vinita when she died? A About a month. Q When did she die? A Died in '91. Q Now you married your third wife in Kansas? A Yes, sir. Q What place? A Newton, Kansas. Q How far is that from Marion? A About 25 or 30 miles west of Marion. Q Your second wife was State-raised? A Yes, sir. Q How long have you known her before you married her? A About a

year.
Q Is she alive? A Yes, sir.
Q When did you come back from Kansas this last time? A Come back in July.
Q This last July? A Yes, sir.
Q You don't know where you got provisions to eat there when your step-father went back to Kansas after the war? A That is the only place we could get them.
Q You had no neighbors around you to,get anything to eat of? A No neighbors there.
Q No neighbors to work for? A No, sir.
Q What did you build your house out of, logs? A Logs, poles.
Q Covered it with poles? A Yes, sir.
Q One log house was it? A Yes, sir, one log roomed shanty.
Q Was there a road anywhere near you, big traveled road; how far were you from the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.
Q And this old road that runs through this country up there.
A That would be pretty near east as nigh as I would know about it, I never traveled that old Military road only from along the line coming from Baxter Springs.
Q Have you any children of your last wife? A No, sir.

By Commissioner Breckinridge:

Q How many children you say your mother has by her husband, Pee?
A Four.
Q Where were they born? A In the Territory.
Q All of them born in the Territory? A Yes, sir.
Q Your wife, Mattie, you stated died in Kansas? A No, sir.
Q Where did she die? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q Had she been all her life up in Kansas before that? A No, sir.
Q How much of her time has she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the next March, '94.
Q Did she go back to Kansas after you married her? A She went back to visit her mother.
Q Did she spend much of her time in Kansas? A Two months.
Q Is that all the time she spent in Kansas during her married life to you? A Yes, sir.
Q Where is your present wife at this time? A She is in Kansas.
Q How long has she been in Kansas? A She went there last fall.
Q You spoke of coming from Kansas in July? A Yes, sir.
Q Have you been here ever since you came from there?
Q Until last February, I have got my children up there going to school.
Q How long had you been in Kansas until you came in July?
A Off and on ever since '95.
Q Do you keep a house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.
Q Where are your children now? A They are there going to school, I sent them up there last December.
Q Are you farming up there in Kansas? A No, sir.
Q What are you doing in the Territory? what business are you doing? A I work, me my own place, when I am here.
Q And when you don't do that what business are you engaged in?
A Working.
Q When you are not here where do you go? A To Kansas some time.
Q What kind of business do you follow up there? A Doing public work.
Q Is that the kind of business you do up there? A Opening stone quarries.
Q Have you ever been called upon to vote up there? A No, sir.
Q Have you ever voted for Congressman, President, or Governor?

A No, sir.
Q Never voted for any office at all? A No, sir.
Q Where is your mother at this time; on her place on the Territory?
A She is in Vinita sick.
Q What part of her time has she spent in Kansas, since the war closed? A Why she aint spent a great deal of it, I can't tell you how much.
Q Anything like half of her time? A No, sir, not one-fourth of it.
Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir; after I married I moved my wife back, I went up there in the spring of '83 and staid until March and come back, that is in March, '84, and come back and remained here until '95.
Q Remained here all the time? A Yes, sir.
Q Didn't go out of the Cherokee Nation at all? A Well I went up there to visit her mother once; stayed a month; about '95 I had reason for going.
Q Well, where have you lived since '95? A I have stopped there part of the time wife my wife and the other time when I had a chance I come back down here, slipped around in here, I got into a little trouble.
Q Little difficulty? A Yes, sir.
Q When did you get out of that difficulty? A Aint never got out of it.
Q You were scouting from 1895 on were you? A Yes, sir.
Q Haven't you been in the Cherokee Nation all the time after the last July? A Up until February when I went out.
A Now from 1895 to the last July, were you up in Kansas all the time except when you would slip in? A Yes, sir, only when I would slip in.
Q Is there any other testimony you went to introduce? A Yes sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 29th day of May, 1901.

Signed, C. H. Breckinridge,
Commissioner.

Josh Vann et al - continued. May 23, 1901.
(Former portion taken by Steno. J. O. Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q Have you lived here all of your wife? A Yes sir.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A I have known him about thirty years I reckon, personally
Q You know his mother? A Yes sir.
Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative, W. W. Hastings:

US. H. R. 413

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED ~~TRIBES~~

FILED
MAY 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23, 1901

Post Office Tahlequah, I.T.

District Delaware

1. Name Josh Vann Age 45

Owner's name Citizenship

Year N. C. Page 156 No. 3853 District Coo

Parents:

Father Lyell Vann (dead) Citizenship

Mother Susan Vann (alive) Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

MAY 23 1901

Names of Children:

3. George Vann Year N. C. Page 163 No. 4031 Dist. Coo 16
4. James " Year N. C. Page 163 No. 4032 Dist. " 14
5. Lyell " Year N. C. Page 163 No. 4033 Dist. " 12
6. Eva " Year N. C. Page 163 No. 4034 Dist. " 11
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Josh Vann Stenographer John O. Brown

Roll of Wallace Rate page 146 No 3038 as Joshua Vann Coo Dist

3. I. T. ~~III~~

415

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23, 1901.
Post Office Tahlequah, I.T.
District Delaware.

1. Name ..... Age .....
Owner's name ..... Citizenship .....
Year ..... Page ..... No. ..... District .....
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship .....

MAY 23 1901

2. Name of wife Susan Pell Age 75
Owner's name ..... Citizenship .....
Year N.C. Page 136 No. 3852 District Cad
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship .....

Names of Children.

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by John Lynch Stenographer Green & Posson

Roll N.C. Pell as Susan Pell or Hall

X his John X Lynch mark

Fig. 418.

Josh Vann et al- continued. May 23, 1901.

(Former portion taken by stenog. J.O.Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q Have you lived here all of your life? A Yes sir.
Q Do you know the applicant here, Josh Vann? A Yes sir.
Q How long have you known him? A I have known him about thirty years I reckon, personally.
Q You know his mother? A Yes sir.
Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative, W.W.Hastings:

Q Where has Josh Vann been living for the past 30 years?
A I couldn't tell you where he has been all the time; he lived down there about Tan Yard Ford most of his time I think.
Q Where do you reside now? A I reside here in Vinita.
Q Where does Josh Vann live now? A I couldn't tell you where he lives now.
Q How many times has he been married? A I don't know.
Q Where was he married the last time? A I couldn't tell you.
Q You know that he is living in Kansas now and has a wife up there? A No sir, I don't know that.
Q Do you know that he is living in the Cherokee nation? A No sir, I couldn't say, only I have seen him there.
Q When? A All this spring.
Q How about last year? A I never saw him last year.
Q How about the year before? A Well, I don't know that I saw him the year before.
Q Have you seen him since 1895 up to this spring? A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Arthur Bean.
Q How old are you? A 58.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life time pretty much.
Q What part of your life have you been out of the Cherokee Nation? A I don't know what time; along in '62 or 3, I guess about then I was out.
Q You were never out except during the war? A No sir, I was out then.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir.
Q How long have you been personally acquainted with him? A I have known him pretty much all of his life time.
Q Well, did you know him during the war? A No sir, I knowed him before the war; I didn't see him during the war.
Q You know him before the war? A Yes sir.
Q Was he a slave in the Cherokee Nation when the war broke out? A Yes sir.

Q When did you first meet him after the war was over? A After the war was over I met him up on Russell Creek is the first time I met him a ter the war.
Q In what year was that? A That was in '66.

Com'r Breckinridge, to applicant: Do you want to ask this man any questions in your own behalf?
Applicant: No sir, not now.

Examined by Cherokee Representative, W.W.Hastings:

Q Art, 'aint you a disputed citizen? A Yes sir.
Q Your name is not on the roll of 1880? A No sir.
Q Where was the applicant, Josh Vann, living,- how was he living, was he living in a house when you first saw him after the war? A Yes sir, kind of an old log house.
Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake not.
Q Were you ever tried before the courts for anything? A Not in my life, I never was before the courts but the Clifton court; that's about all the court I ever was tried in.
Q Who was with Josh Vann when you first saw him? A Aunt Sukey, his mother, and two more children I knew.
Q What were their names? A Jess and Martha.
Q Was her husband with her? A Yes sir.
Q What was his name? A Named Poe.
Q Charley? A Yes sir.
Q Qbout what time of the year was it you saw them? A Along about December I guess.
Q December of '66 ? A Yes sir, I guess along about, close on to Christmas.
Q You were coming down this way? A No sir, I was up in that country.
Q Just went up to see them? A No sir, not particular to see them, I was up looking at that country, me and several of the boys.
Q Who was with you? A Me and Art Tyner and Bean, Joe Bean.
Q What were you doing up there? A Just looking at the country.
Q How far was that from where you lived? A Forty miles I guess, maybe further.
Q Did they have anything to eat up there? A I guess they did, they couldn't have stayed without something to eat.
Q Did you eat with them? A Yes sir, such asthey had, and that wasn't very much in them times.
Q Had they made any crop up there? A No sir.
Q You don't know how long they had been there? A No sir.
Q Did they tell you how long they had been there? A No sir, they didn't tell me anything about that.
Q You didn't ask anything about their past whereabouts? A No sir.
Q Didn't you go on up to Chetopa and trade then? A No sir.
Q Why didn't you; you were there near? A There wasn't any Chetopa in there.
Q You remember that from five years ago don't you Art? A What's that.
Q That there was no Chetopa in '66 there? A I never did say that.
Q After you were excused awhile ago you went out down there to that white tent yonder? A Yes sir.
Q You took Cap? A Not particular, he went there; I went there with him.
Q After consulting, you called Al Lynch didn't you? A Yes sir.
Q And you all went around there to consult? A Yes sir.
Q What did you talk about, A Oh, that was our business.
Q Did you talk about this case? A No sir, that was our business around there, mr. Hastings.

Q Did you talk about this case? A Not particular.
Q What did you say about it? A I don't have to tell my secrets you know.
Q You did talk, after you were dismissed and put under the rule, you got all three of you together and talked about this case? A Yes sir, we talked about it; you sent us off, and we have got the privilege to do as we please out there, you know, Mr. Hastings.
Q Did you all three agree that you had seen them in '66? A No, we made no agreements about that at all.
Q Did you all among yourselves say you saw-? A No, we never made no agreements about that.
Q Did each of these witnesses there of his say you had seen theme parties in '66? A We talked about the case, but we didn't say anything about no '66; I told them I knew Josh in his childhood and I knowed all of his folks.
Q And the rest of the boys knew the same thing? A Cap didn't know a thing about it, he being too---
Q Did he know him in '66? A That's what he said, I suppose.
Q He told you that out yonder awhile ago? A He told that in here I guess.
Q Well he told you that out yonder? A Well I told you awhile ago I didn't have to tell my secrets; you are a secretorder man aint you?
Q Well, how long did Josh and his mother and step-father live on Russell Creek? A I couldn't tell you.
Q When did you next see them? A Down on the river, about '68.
Q About how many years after you saw them up there? A I don't know how many; not very many years.
Q Do you think it was the next year? A They went down below, I heard they went below, I don't know anything about that.
Q When did Josh tell you that? A He never told me at all.
Q Did he tell you that to-day? A He never told me that at all. I heard they went down about the old salt lick below.
Q But you think it was about '68 when they came down to the river near you? A I guess it was about then.
Q Aint you positive? A No.
Q What is it you are positive when you first saw them and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
Q You think it was about 2 years afterwards? A Yes sir.
Q To your best judgment? A Yes sir.
Q They were neighbors to you in '68? A Yes sir.
Q Has Josh been living there ever since? A Yes sir.
Q You swear that? A Yes sir.
Q Has he ever been married? A Yes sir.
Q What was his first wife's name? A I don't know sir.
Q Was she a state raised or a Cherokee? A I don't know; I know he had a woman there as his wife, I didn't make no inquiry about that.
Q Was he married a second time? A Yes sir, I suppose he was, that's what I hear.
Q Where was he married? A I don't know where he was married the last time.
Q Where do you live now? A I live on Grand River.
Q Does Josh live down there by you? A He lived above me a ways.
Q About how far? A I guess about eight miles, above where I live.
Q You see him frequently? A Yes sir.
Q What does he do down there? A I don't know sir, I guess he tries to farm like the rest of us.
Q Did he make a crop this year? A I don't know sir, I haven't been up there.

Q Did he make on there last year? A I couldn't tell you; I don't think he did.
Q Did he make one there the year before? A I couldn't tell you that either; Josh was out awhile.
Q When did he go out? A Oh it has been I guess a year or two ago.
Q Now give us your best judgment as to when he went out, if he did go? A I am giving it to you, best I know.
Q You think it was about two years ago? A Yes sir, he got into some trouble, that's about as near as I can get at it.
Q About 2 years ago? A Yes sir.
Q To your best jusgment how long was he gone? A I don't know just how long he was gone; it slipped my remembrance how long Josh was out.
Q When did he come back? A I think it was along some time about July, if I make no mistake.
Q That he came back? A Yes sir.
Q Been here ever since? A Yes sir.
Q You swear that? A Yes sir, I have saw him frequently ever since.
Q Is he married now? A Yes sir, I suppose he is, I heard he was.
Q Where is his wife? A I don't know sir.
Q You haven't seen her? A No sir, I just hear he was married.
Q You don't know where he was married? A No sir.
Q You didn't hear he was married in 1897 up in Newton, Kansas?
A No sir, I made no inquiry.
Q You ~~didn't~~ didn't know he had been up in Kansas six years out of here? A No sir.
Q Did all of these people that you mention go up in Kansas at that time, in '66? A M and George Eaton and amongst us.
Q Did these people have any horses at that time? A They had a little pony team.
Q That's all you saw? A Yes sir.
Q No cows? A No sir, I couldn't see no cows.
Q Al Lynch wasn't with you when you went up there at that time?
A No sir.
Q Cap Hicks wasn't with you? A No sir.

Com'r Breckinridge, to applicant: Any question now that you want to ask in your own behalf? A Applicant? A no sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows.

Q Give me your full name? A Allen Lynch.
Q How old areyou? A I am 61 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A ~~Xiky~~ Well, about all my life.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir
Q How long have you known him? A I have known him ever since a little boy.
Q Did you know him before the war broke out? A Yes sir.
Q Have you known him ever since? A Yes sir.

Com'r to applicant: Any question you want to ask Allen Lynch in your own behalf? A Applicant: No sir.

Examined by Cherokee Representative, E.W.Hastings:

Josh Vann et al cont'd 5

Hastings: I don't care to ask him any questions.

Com'r Breckinridge, to applicant: Any particular point you want your witness to testify on?
Applicant: Yes sir, I would like to know,- what I have introduced the witness for was to prove when I returned back to this country.
Com'r: You want to interrogate him yourself? A No sir.

Com'r Examin d witness:

Q Where was Josh Vann during the war? A In Kansas.
Q Did you see him up there? A No sir, I never see him in Kansas; I saw him when they went there.
Q When they were going there you saw them? A Yes sir.
Q Where did you first see him after the war closed? A Saw him up here on Russell Creek.
Q How far was that from the Kansas line? A Well, judge, I don't know exactly where the Kansas line was then, but it is about six or seven miles south of Chetopa now.
Q When was it you saw him there? A I saw him there along in August or September, in '66; I couldn't tell you just exactly the time.
Q Were you living up there yourself at that time? A No sir.
Q What was the occasion of your being there? A I went up there to drive some cattle for a man, some steers that a white man come and traded to Bill Foreman, traded some tin-ware, and he got me to drive the cattle.
Q Was anybody along with you? A Oh yes, me and this man and two white men.
Q That was the party? A Yes sir.
Q How did you happen to meet this man Josh Vann? A We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.
Q What do you know about him since that time? A I know he was been around here in the country.
Q Where did you next see him after that time? A I don't know next time I saw him whether I saw him on Grand River or whether I saw him at Chetopa after Chetopa commenced; I don't know exactly.
Q What can you say of a definite character about having seen him since that first meeting down to this time? A What do you know of where he has lived? A He lived with me three or four years and lived ~~on my place~~ right there in the neighborhood.
Q When was that? A I can't tell you just exactly the time, but him and his family, it was, he had that Mattie, they lived there on my place.
Q That accounts for four years; can you mention any other period that you have personal knowledge of him in? A He was been here ever since that on until he got into this trouble, and I don't know where he went.
Q Was he living with you? A No sir, he was right around in the neighborhood until he had that trouble.
Q Where was he staying in the neighborhood? A Right there in the neighborhood where his mother is livingnow.
Q Was he staying on a place of his own? A On his mother's place.
Q Has he ever had a place of his own, or always lived with his mother? A I think he has always lived with his mother only when he lived with me and with Tobe Lynch awhile.
Q You don't know how far back he lived with you? A It must have been 13 or 14 years; It had been about two years since he left my place I guess.
Q And since that he has lived at his mother(s place? A Yes sir.

Q All the time? A No, he has been gone two or three years.
Q Well but down to this absence that took place of late years?
A Yes sir; he may have lived in town a year; I don't know; his wife died here in town.
Q How far is his mother's place from where you live? A About three miles.
Q Now did he make his home continuousl y at his mother's place from the time he left your place until he went on that stay some years ago? A No sir, I think he lived with Tobe Lynch 2 years.
Q So he lived with his mother with that exception did he? A Yes sir. To the best of my knowledge about it.
Q How many times has he been married? A I think he has been married three times; I know, three times.
Q Did you ever see his first wife? A Yes sir.
Q Did you ever see his present wife? A Yes sir.
Q Where did you see her? A I hauled her out there here about two months ago, out there to his mother's, it must have been three months ~~xxxxx~~maybe, or two months, some wheres along there; it has been two or three or four months ago.
Q Where is she now, do you know? A No sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Al, how far did you live from Josh when the war come up?
A Well it must have been 16 miles, maybe further than that.
Q About how old was he when the war come up? A I don't think Josh was over 6 or 7 years old.
Q You remember seeing him when you stopped up on Russell Creek with his mother? A Yes sir.
Q You were driving some cattle at that time? A I drove a yoke of cattle up there.
Q Just one yoke? A Yes sir.
Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.
Q Where did you drive the cattle to? A I went up as far as Labette and then I returned back; I went up with them men and I come ~~back~~ alone.
Q Did you see anything of these people as you went up? A I don't remember; no, I don't know whether I stayed all night with them going or whether it was coming; but I stayed all night with them.
Q How long had they been there? A Well, I don't know, Mr. Hastings, how long they had been there.
Q You know from your conversation, you talked over old times didn't they tell you anything about their past history? of their whereabouts? A Well, we talked over about how come them there, I don't know whether I asked them how long they had been there or not.
Q Had a log house did they? A Had a little log cabin.
Q How long did it appear to have been built? A Not very long; had little clapboards on it, new.
Q Had they made a little patch of ground there that year? A No sir, none at all.
Q Have any neighbors around near them? A No sir, not that I know of; my nearest neighbors where I lived was down on Cabin Creek; them is the only folks I saw up there on down here.
Q From your folks up to Kansas that was the only house you passed?
A Yes sir, that was the only house.
Q Was it on the big road? A There wasn't any road up there.
Q Just through the prairie? A Yes sir, prairie.
Q How did you happen to discover this place? A Well we crossed the creek two or three hundred yards, as near as I can recollect from where they had this house; after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting a couple of pair of mules,

And they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewheres, and they come in there I suppose to hide from the officers; that's all a pretense, I never asked them about it.
Q How long after you saw them there until you saw them down there near your place, on Grand River? A I couldn't tell you, it must have been along in '67 or 8, some thing along there when they moved down in the bottom there, I couldn't tell you exactly.
Q That was on Grand River? A Yes sir.
Q And near where they live now? A Yes sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.
Q That was within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.
Q Well, about how long after you saw them up there until yousaw them on Grand River? A Why I just couldn't tell you when they moved up there.
Q How many children did Mrs. Pee have at that time? A Had three.
Q She had no children by her last husband, Charley? A If she did I don't remember it; not then, no sir.
Q What three children did she have? A She had Josh and Jess and Martha.
Q After you were excused awhile ago you and Cap and Art had a conference about this case didn't you? A No, we never said anything about this case.
Q Never talked about it at all? A No sir, I never talked to anybody.
Q Didn't Art and Cap go behind that little white tent yonder and after talking the matter over call you around there? A They called me around there, but they was asking me about some thing else.
Q They wasn't talking about this case. A not about this case; they never asked me about it, some thing else.
Q You never said anything about the case? A Not that I remember; we were talking about Joe Bean's case.
Q Well you would have remembered it, it was only a few minutes ago, if anything was said you would have known it now? A Yes sir.
Q Didn't Cap and Art say when they saw this family up there? A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.
Q When did he tell you? A He told me he saw them in October or September, '67, when he was herding cattle.
Q You never saw the Trott house up there when you saw them? A He never had no house up there.
Q You never saw Albert Morris' coal mine there? A He never had no coal mine there then.
Q It wasn't there in '66? A It was there but it hadn't been developed.
Q You know where Josh married the last time? A He married in Kansas I think; that's what his wife told me.
Q She lives up there yet? A She is up there now.
Q She has lived there all the time hasn't she, since she married? A Only when she come and stayed across the river as I told you.
Q How long did she stay there? A I don't know; it must have been 2 months, maybe longer.
Q You know where Charley Pee and his family got anything to eat up there on Russell Creek? A They may have got it like the balance of us; we stole it when we got it.
Q Was there anybody to steal from? A Yes sir, we had lots of cattle and hogs and rabbits and onions.
Q What did you eat when you were up there? A I eat some beef and I eat some corn bread, and was glad to get that.
Q They didn't tell you what they were doing for a living? ANo sir.

Josh Vann et al cont'd 8

APPLICANT, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge:

Q Josh Vann, when you were scouting for several years from the Cherokee Nation, what was the trouble with you? A Why I got into a little scrape down here at town, there was a fellow gotkilled, and they accused me of it.
Q Accused you of killing him? A Yes sir.
Q Is that the only matter you have ever been accused of? A That's the only one I have scouted from.
Q Have you ever been up before the courts for any offence, or charge? A Yes sir.
Q What? A Tried for whiskey and assault and attempt.
Q You ever been in prison? A Sent to prison you mean and convicted?
Q Yes.? A No sir, I never was convicted or nothing; I have been indicted in Delaware District court.
Q Many times? A Once only.
Q Have you any more testimony you want to introduce? A Yes sir, after you get nearer to where it is I do.
Q But this is all at the present time? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Except for this sickness is your mother fairly strong?
A No sir.
Q Does she do her own work? A No sir.
Q Has she been confined to her bed or room? A No, she is not really confined to her bed, but she had- I don't know whether it is Bright's disease or what it is; if she gets a little bit warm she can't get her breath.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four children, and for his mother, who he states is old and infirm and unable to apply for herself;

The applicant is identified on the Wallace and Kerns-Clifton rolls, but not upon the roll of 1880 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1880, and his mother, who is living, is identified on the Kerns-Clifton roll, but upon none other;

The applicant claims to have come to the Cherokee nation within the time prescribed by the Treaty of 1866, and he has introduced considerable testimony upon that point; it appears from the testimony of one or more of the applicant's witnesses that since they were put under oath they have conferred together about this case, and attention should be directed to that point; it further appears that for the past five years the applicant has been, until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony, constantly, except when he would come into the Cherokee nation secretly; it does not appear that he had been engaged in business in the Cherokee Nation except upon his mother's farm; he has been married three times, and his present wife, whom he married in Kansas, is living there at this time, with the children, who he states are there attending school; his second wife he married in the state of Kansas, but he states that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee nation; he married that wife in the year 1883, and she died in the year 1891; under these conditions, and referring to the testimony generally, the applicant will now be listed as a Cherokee Freedman

Josh Vann et al cont'd 9

on a doubtful card, and the final decision of the commission will be made known to him at his post-office address.

As for his present wife, it appears that she was married once before, but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his two former wives were dead when he con tracted his present marriage; there is some personal testimony establishing the mar iage in addition to that of the applicant, but his wife is a state woman, he married her in the State of Kansas, and in the year 1897; so that under the conditions stated it is apparent that she is not entitled to enrollment at this time, and the application for her enrollment is rejected.

As for the four children named in the testimony; they are all four said to be living at this time; they are minors, and are identified on the Kerns-Clifton roll; it seems that these children were all born in the Cherokee nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time appear any question; these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman.

As for the applicant's mother; she is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896, and not satisfactorily identified upon the Wallace roll; so far as the evidence adduced goes, her right to enrollment appears to depend upon the period of her return from the State of Kansas, and of cour se her not being upon the roll of 1880 or upon that of 1896 indicates that she was not admitted to enrollment for s me material reason; the testimony is to the effect that s e returned to the Cherokee Nation at the time her son did; it is not disputed that she was a slave of the Cherokee nation at the time the war broke out, and a slave of a Cherokee citizen; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commissi n will be made known to her at he post-office address, and as regards t e other applicati ns, namely, those for the applicant and his children, the final decisi n will be made known to him at his post-office address.

K.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

K.D. Green

Subscribed and sworn to before me this May 28,1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 15th 1901.

SUPPLEMENTAL TESTIMONY in the case of Josh Vann, Cherokee Freedman D-415

Mellette & Smith attorneys for applicant-

James Davenport attorney for the Cherokee Nation

HARRY STILL called and sworn by Commissioner T. B. Needles as a witness for the applicant, testified as follows:

By Mr. Mellette-

Q What is your name? A. Harry Still.
Q What is your age? A. 54.
Q Where do you live? A. Hayden
Q In what Nation? A. Cherokee Nation.
Q Do you know the applicant here? A. Yes sir.
Q Did you know him mother? Known now as Susan Pee? A. Yes sir I do
Q Did you know her husband Charles Pee? A. Yes sir.
Q Do you know when his mother Susan Pee or Vann, returned to the Cherokee Nation after the war? A. Yes sir.
Q When? A. When I got acquanited with Charles——when I found Charles it was bout the first part——the first time I ever saw him was in the fall a little before Christmas of '66, on Russel creek.
Q In what Nation? A. Cherokee Nation.
Q You say that was the fall of '66? A. Yes sir a little before Christmas, in the last part of 66.
Q Where was Susan Pee? A. She was there too.
Q And she is the mother of this applicant? A. Yes sir.
Q Do you remember if this applicant was a child then or not? A. Yes sir a boy.
Q Was he along there at that time? A. Yes sir, she had three children at that time.
Q And this was one of them? A. Yes sir, Jess, Josh and Martha was her three children then.
Q How since that time have you know this applicant in the Cherkee Nation? A. Yes sir, I am the man that moved them away from there.
Q Moved who? A. This man here and his mother and brothers and sisters.
Q Moved them from where? A. On Russel creek.
Q From where youfirst saw them? A. Yes sir.
Q Where did you move them to? A. Timber Hill, the one near the Creek line.
Q Is there two Timber Hills~~here~~ in the Cherokee Nation? A. There is 3 or 4 of them.
Q How long was it after the war that you moved them to Timber Hill.
A In '69 I think it was.

By Davenport-

Q When did you first think of the fact that you saw them in '66? A. I have been thinking of it all the time.
Q You didn't testify in her case at Vinita? A. No sir they never asked me to.
Q They applied there? A. Yes sir.
Q You were there all the time? A. No sir only one day.
Q You didn't see Susan Pee there did you? A. Yes sir.
Q Was Josh there? A. Yes sir .
[redacted] to

Q You ddidn't talk about what you knew in theirs case until you came here? A. Yes I did.
Q They applied there and then come here and asked you to testify for them? A I didn't know that Josh had applied there.
Q You have been here all the time with the Commission havn't you? A Most of the time.
Q You didn't know where this Pee family went to during the war? A. A No sir.
Q Did you know anything about them when they was living at Napleton after the war? A. No sir.
Q Do you know anything about them living at Chetopa after the war? A No sir.
Q You just happened to see them up on Russel creek did you? A. No sir I didn't just happen to see them, I went up there to bury aunt Nancy that died at Timber Hill and found them.
Q You also found the Robinson family there then? A. Yes sir.
Q You found almost ever colored family in that part of the Cherokee Nation when you went to bury your aunt Nancy didn't you? A. No sir, but I had as good a chance to meet up with some of them there as Jess Cochran had to meet up with the people he testified about.
Q And you are pat terning after Jess Cochran are you? A No sir I am not, I am telling you what I saw and what I knows and nothing except what I saw and what I knows.
Q Nancy Pee is not on the 1880 roll is she? A. No sir, and I know the reason why, she has been here all the timeand applied to be enrolled and they wouldn't let her.
Q You were present when she applied were you? A. Yes sir.
Q You remember the time that she applied and that they wouldn't let her get on? A. They wouldn't let her prove it at all, they wouldn't let her have the chance, they wouldn't let anybody have the chance.
Q Who was taking the proof at that time? A. Chambers and Dr. Miller.
Q And you know that Suckie Pee tried to apply and they wouldn't let her? A. Yes sir and about 400 others.
Q They let you didn't they? A. No sir not at first, they tired to make me come back home too, but I aint the kind to let them run me off and I just up and told them they must try me and they did.
Q You made the court try you did you? A. Yes sir, I told Dannels that I lived 100 miles from here and that I wasn't going home, that he had to let me have a chance to prove whether I had a right or not, that I wanted to know wat they was going to do in my case.
Q And you are the only one the let prove his rights are you? A. Yes sir the only one at that time.
Q When was that? A. Just after the war.
Q What year? A. I showed you my certificate.
Q That was in 1870; was you the only negro that they admitted in 1879 or '71? A. Only one at that time.
Q What time of the year was that? A. Some time in the summer.
Q Was it in July? A. Yes sirI think it was.
Q Dont you know that the Webbers was admitted in July of '70 or 71?
A No sir they got scared and come back.
Q Didn't Sam Webber apply the first time that he went there to apply ?
A No sir I dont think he did.

APPLICANT, Josh Vann, called and sworn, and examined by Mr. Mallette:

Q Were you ever indicted by the Cherokee Courts? A. ———

By Mr. Davenport—

" I object to this question because if he was the record thereof is the best evidence and should be introduced if it c'n be found "

By Com'r Needles,-
" Let it go in for what it is worth. "

By Mellette of applicant-

Q Were you? A. Yes sir.
Q For what? A. Assault and battery.
Q On who? A. Bert Lynch.
Q Did you have a brother that they called John Davis? A. Yes sir.
Q Where was he born? A. On Grand river in Delaware district.
Q Since the war? A. Yes sir.
Q Was he the son of your mother Susan? A Yes sir.
Q Was this man Bert Lynch whom you were charged with assaulting a Cherokee citizen? A. ———

Objected to by Mr. Davenport.

By Com'r Needles-
Let it go for what it is worth.

By Mellette-

Q Was he? A. I understood so.
Q Did you know Myra Halfmoon? A Yes sir.
Q Were you ever indicated for an assault on him? A. Yes sir.
Q Where were you taken? A. To Fort Smith.
Q To the United States Court? A Yes sir.
Q What became of that case? A ———

Objected to by Mr. Davenport because the record is the best evidence and should be obtained if possible.

(No ruling by Commission)

By Mellee of applicant-

Q What became of it? A. The jury turned me loose on the ground that theye had no jurisdiction.

By Davenport of applicant:

Q You say the jury turned you loose on jurisdiction? A. Yes sir, and the virdict read " We the jury find that the Court has no jurisdiction because both the parties are Cherokee citizens."

By Mr. Davenport-
The representatives of the Cherokee Nation object to the introduction of the indictment, verdict and judgment or any part of the record of the trial of Josh Vann or Poe at Fort Smith,

Arkansas at the United States court at that place, for the reason that no action of that court in dismissing or that case would not tend to establish the rights of this applicant as to Cherokee citizenship, and the Cherokee Nation would not be bound thereby, and it would therefore be incompetent and immaterial

* * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes a reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 28th of June, 1901 at Nowata, I. T.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Susan Pee for enrollment as a Cherokee Freedman.

No. F. D. 416

Henry Pack, of lawful age, being duly sworn on oath states that on the 10th day of Sept, A. D., 1901, he registered to Susan Pee whose postoffice is Kelechuma Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Ft Gibson Indian Territory; and that on the 16 ~~day of~~ Sept, 1901, he received the return card which is hereto attached, signed by the said Susan Pee, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 16 day of Sept A. D. 1901.

(Seal)

J. Starr
~~Notary~~ Public.

F. D. 416

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Susan Pea for enrollment as a Cherokee Freedman:

Case No. F. D. 416

To Susan Pea, Ketchum, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. 11th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEPt 6 1901, 1901.

R B Bell

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Josh Vann for enrollment as a Cherokee Freedman.

No. F. D. 713

Henry Pack, of lawful age, being duly sworn on oath states that on the 6th day of September, A. D., 1901, he registered to Josh Vann whose postoffice is Fetchers Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of Sept., 1901, he received the return card which is hereto attached, signed by the said Josh Vann, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept. A. D. 1901.

C. V. Starr
Notary Public.

N.D. 415

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Josh Vann for enrollment as a Cherokee Freedman:

Case No. F. D. 415

To Josh Vann, Ketchum, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ***Vinita, Indian Territory.*** Indian Territory, on the following dates, to-wit: Oct. 11th **at 8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901 day of , 1901.

Attorneys for the Cherokee Nation.

File with C.F. D-415, Josh Vann et al.

SUPPLEMENTAL: C.F. D-415.
"A"

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't;
Mr. J.S.Davenport, of attorneys for Cherokee Nation.

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:
BY MR. DAVENPORT:
Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 71.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q Now how long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '66.
Q You had been living before you moved to where you now live up right close to Chetopa; you know the Creek up there they call Russell Creek? A Yes sir.
Q Now how far is it from Chetopa, Kansas, down in the Territory?
A It is about three miles, or little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Old man Trott? A Yes sir.
Q That's the father of W. L. Trott and Oce Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I know of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family named Pee or Vann, Sukey Pee and her family? A No sir.
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I don't know that I know them.
BY MR. MELLETTE:
Q How long is Russell Creek, Mr. Walker? A Well it is about, as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in tha Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Neosho.
Q Whereabouts? A Well about something near two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q When? A Trott's house you mean?
Q No, were you ever at the mouth of Russell Creek? A Oh yes, often.
Q When? A I used to fish there.
Q Now when did you move into that country? A On Cabin Creek?
Q Yes? A Fall of '66 I moved there.

Q The fall of '66? A Yes sir.
Q How far is that from Russell Creek? A Well it is about, something near 8 or 10 miles, eight miles anyway.
Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.
Q How do you know? A I have been around that Creek often.
Q You swear that nobody lived in that country in '66?A Trott lived there.
Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin, Oliver Morris built it.
Q I don't care whether there was farms or not, but do you know whether or not there were anybody owned around in that country? A No I don't.
Q You don't know whether they were there or not do you? A No .
Q Now you located up there where you live in the fall of '66? Yes sir.
Q What time? A I couldn't tell you exactly what time; it was in the fall, toward winter.
Q Do you swear that these people were not living on Russell Creek during that winter? A No, I swear I never saw them.
Q But you don't know whether they were there or not? A No sir.

BY MR. DAVENPORT:

Q As I understood you awhile ago you said you were living near Chetopa on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chetopa.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 15,1901.

Notary Public.

Continued from stenographer M. D. Green, at Vinita, I. T. October, 13, 1901

JOSH VANN et al., C.F.D. #415.

W. L. TROTT, being first duly sworn by the Commission testified as follows: (on the part of the Cherokee Nation)
(By Davenport)
Q What is your name? A W. L. Trott.
Q What is your age? A 57.
Q What is your post office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.
Q During the year '66, where were you? A During the year '66 I was on Russell creek in the Cherokee Nation.
Q How far from where Chetopa now is? A Three miles.
Q What were you doing there that year? A Living there- Improving me a place.
Q You were living with your father that year were you not? A Yes sir.
Q Who owns that place now, the one you improved that year? A I dont know
Q How long did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66,
Q When you went there were there any houses along on Russell creek? A No sir.
Q When you left there were there any houses other than the one you and your father built ? A No sir.
Q How long is Russell creek, how far is it from there it comes into the Territory to where it empties into the river? A I dont know exactly/ where the head of Russell creek is, but I think it is about six or eight miles from the head to the mouth.
Q Do you know Josh Vann? A I do not.
Q Do you know Shookey Pee, his mother, or a woman that goes by that name? A No sir.
Q Was there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family either colored or white.
Q You were the only family, colored, white or Indians that lived on that creek then? A Yes sir. (By the Commission)
Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.
Q You dont know if any colored people stopped there in the fall of '66 and staid there until the winter of '66 and '7? A No sir I can't tell you what happened after I left there.

J. C. TROTT, being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation-
By Davenport)
What is your name? A J. C. Trott.
Where do you live? A Here in Vinita.
How old are you? A 62.
How long have you lived in the Cherokee Nation? A Ever since '66.
Where did you live in the Cherokee Nation in '66? A On R. ell creek.
What other family lived there on Russell creek in '66 a ept your family? A I d nt know of anyone.
Were you up and down that creek any? A Yes sir.
What other houses were there then? A None.
When did you leave that section of the creek? A In the fall of '66?
Were there any colored people there in the fall of '66? A No sir.
Did you make any improvements there? A Built a house.
What became of it? A Sold it, in the fall and moved away
Who did you sell it to? A I though it was Denney, but some say Glenn is his name.

Q Have you been there since? A No sir.
Q Do you know of anyone else living on that place up there since you sold out and left? A I know of this Downey or Glenn.
Q Who else? A No sir, I haven't been acquainted around there since I left.
Q Do you know Josh Vann? A I know him when I see him.
Q Did you know his mother? A No sir.
Q Did you ever see Josh Vann living up there? A No sir.
(By Mellette)
Q You left Russell creek in the fall of '66? A Yes sir.
Q You dont know what colored people were there after you left? A No sir.
Q You dont know who was there in the fall and winter of '66 and '7?
A No sir.

LOUISA STINGER being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation:

Q (By Davenport)
Q What is your name? A Louisa Stinger.
Q How old are you? A I will be 58 on the 23d of next May, will be 58 years old.
Q What is your post office? A Edna Kansas.
Q How long have you lived in the Cherokee Nation? A Born and raised here
Q What was your maiden name? A Morris.
Q Did you ever live on and about Russell creek, near Chetopa? A Yes sir
Q Did your parents live up there? A No sir.
Q What year did you move into that neighborhood? A Well I can't hardly tell the year, somewheres about '67.
Q What place did you move to when you moved there? A The old Glenn place he bought it from him.
Q Who originally made the place? A They claimed Mr. Trott made it.
Q How old were you when you moved there? A I was about 17 or 18 years old, I was married and had one child.
Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fields lived there close to the creek is all.
Q Was there any colored family there? A No sir.
Q Do you know Shookey Bee or Josh Vann her son? A I saw her, not personally acquainted with her.
Q Did you see her on Russell creek then? A No sir.
Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.
Q About what year do you think she moved in there? A Well I cant tell you the year.
Q She moved in there some time after you moved there? A Yes sir.
Q Did she build a house there? A I dont think so.

Q About how far were they living from you? A Half a mile northwest of where I live
(By Mellette)
Q Mrs' Stinger, you dont mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.
Q Did you go up and down that creek to see who was living on it? A I lived there and know.
Q And you can say positively that there were no colored people camped there on that creek anywhere? A To the best of my knowledge there wasn't any there.
Q You said a while ago that you could not tell the year exactly when you moved there, now you dont know if you was there in '67 or not do you? A I don't know just what year, I can't read or write and cant keep track of the years.
Q Now was it '66, '67, '68, or '69? A I dont know, I have a brother in law that knows and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen the-
Q Russell creek is six miles long isn't it? A No longer than that I think.
Q How long do you think it is? A Over six miles I think,
Q How long do you think it is? A Seven miles I guess to the head.
Q Did you hunt wild unions from the head to the mouth? A No sir.
Q Then these people might have been there and you not have seen them? A There are others that never saw them there.
Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.
Q And you swear they were not there? A Not to my knowing.
Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a holler log or something like that and me not know it.
Q How far out from the creek did you go hunting unions? A On the bank of the creek.
Q Suppose that they were camped half a mile from the creek, would you have seen them? A I might have.
Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is
Q If you say a man lived on Russell creek how far does he have to live from the creek? A Right on the banks of the creek.
Q Then if a man lived half a mile from the creek is is not living on Russell creek according to your idea? A No sir.
Q You say these people came there after you did? A Yes sir.
Q Where did you see them? A Half a mile from where I lived.
Q Where were they living? A In a shanty there.
Q How long after you came there did you see them? A Two years after I came there
Q What ~~year~~ year was that? A (No response)
Q How do you know it was two years? A To the best of my knowledge it was two years.
Q That is an opinion of yours? A I was living there two years before they came; I dont know the dates of the years and I can't answer that question, if I could I would.
Q You dont read or write and dont know the dates? A No sir, but I know one year from another.
(By Davenport)
Q You know it was some time after you came there that they came there?
A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:

(By Davenport)
Q What is your name? A William H. Noble.
Q What is your age? A 51.
Q What is your post office? A Edna, Kansas.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where were you living in '66, in what part of the Cherokee Nation?
A I came on Neosho river between the mouth of Fly and Cherry creeks on what was called Short creek, on the north side.
Q How far is that from where Chetopa is now? A Two and a half miles.
Q Do you know a creek called Russell creek there? A Yes sir.
Q Were you on that creek any in '66? A Yes sir.
Q What houses were there on that creek then and who were living in them? A In '66?
Q Yes sir. A Mr. Trott was there, he built the first house on the creek in the spring of '66,
Q Where there any other houses built there that year if you know—was you on that creek that year? A Yes sir.
Q Any other houses built there on Russell creek that year? A No sir.
Q When was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Varnum, that was the next shanty built

Q Was he any relation of Mrs. Stinger,who just testified? A Brother I think.
Q Was that after the Trott house was built ? A Yes sir.
Q Was you on this creek in the winter of '66 and '7? A Yes sir.
Q Were there any colored people there then? A No sir.
Q Do you know Shookey Pee? A No sir.
Q Do you know Josh Vann ? A I don't know him, I have heard of him.
Q How long did you live in that neighborhood? A Backwards and forwards on that creek from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.
Q Was you back there at that Trott place on Russell creek in '67 or '8? A Yes sir.
Q Did you see any colored people there or any houses that were built there then? A No sir.
Q When did you see any other shanties built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.
Q You married a sister of Mrs. Stinger's ? A Yes sir.
Q Where was she living? A With Mrs. Denney.
Q Where? A On Russell creek.
Q In what house? A The Trott house.

(By Hellette)

Q How long has it been since 1866? A How long?
Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.
Q How long has it been since 1866? A Way up in 40 odd years.
Q Forty how many years? A I can't tell exactly, unless I count it up.
Q Take your pencil and figure out how much it is ? A I cant figure how much it is, not much on figures anyway and then I havent my glasses with me to see the figures after I make them.
Q Well let's have it now, how much is it? A Six—this is '91—let's see, 44 years wouldn't it, I cant count it out right in my head.
Q You were passing up and down that creek from the mouth to the head every month or two? A From '67 I guess was, pretty near every month up and down there.
Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the e,or that you might not recollect having see now at this time? A Not at that time, families were scarce then.
Q Do you swear that they couldn't have been there? A No they couldn't
Q And you will swear that the family of Shookey Pee was not there in the winter of '66? A Yes sir I do.
Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell creek? A (No response.
Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '66 was Shookey Pee there? A No sir she was not.
Q Where were you living 35 years ago? A I believe I was living in Kansas then.

(By Davenport)

Q You came from Kansas to the Territory? A Yes sir.
Q What section of the Territory did you come to from Kansas? A On Cabin creek.

(Witness William H. Noble here desires to make a correction in his testimony)

(By the Commission)

Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my mind wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '66 and I mean that it is 35 years from that time till now.

(By Mr. Smith of counsel for applicant)

(By Smith)
Q How long do you say it was, now? A 35 years.
Q How do you know? A It was '66 and now it is '91 that is 35 years ,I said 40 odd years in place of 35.
Q Didn't you say 43 years? A I dont believe I did, I might have.
Q Who did you get to figure it out for you? A I didn't get no one, I had it figured out before I left the stand but did not know that I could correct it, and when I went down stairs Mr. Davenport told me that I could and so I am doing it.
Q Where were you when the war closed? A I was in Louisville Kentucky.
Q What month were you there? A I took my discharge there.
Q What month did you get it? A I cant tell you, I have it at home .
Q You dont know when you got your discharge? A I cant tell it just that way.
Q When did the war close? A Closed in--I cant speak that,you throwed me again there.
Q You dont know? A No sir.
Q You dont know anything about '66 do you? A That was the year I came came from Kansas to the Territory.
Q You cant give any other d te except '66 can you? A Yes sir I can give so e other dates.
Q How long had the war been over when you came down here from Kansas? A Two years , I had been discharged two yars when I came.
Q Then you came here two years after the war? A Yes sir, when I was discharged.
Q Well you wasn't discharged until after the war closed was you? ANo sir
Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.
Q You didn't get to the Territory then until in '67? A Got here in '66; I left Iowa in March '66.
Q Did you come to Chetopa before you came here? A Yes sir.
Q What was there? A Old Dr. Lyle lived there, and called it Chetopa.
Q Was there any stores there? A It is still there yet, yes sir.
Q I asked if there were any stores there at that time? A Log shanty.
Q Store? A No sir.
Q Did you ever get e into any trouble there at Chetopa before you came here with a man named Gage? A I dont think I did, I dont recollect the man, or the name.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Cattle stealing.
Q Where? A Here in the Territory.
Q When? A About 4 or 5 years ago.
Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker for it and the Grand Jury didn't find a bill against me.
Q Were you ever arrested before that? A I dont think I was.
Q You would be apt to remember it if you had been wouldn't you? A If I was I dont know it.

This will also be filed and made a part of the record in Cherokee Freedman doubtful cases D-416; D-666; D-705; D-735, R-94 and R-122.

Chas. von Weise, upon oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic notes therein.

(Charles Weise)

Subscribed and sworn to before me this the 14th of October, 1901

Commissioner.

F. D. 415

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

FILED
MAR 3 1902

NOTICE!

IN THE MATTER OF the application of [illegible]
for enrollment as Cherokee Freedmen:
Case No. F. D. [illegible]
To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

L. B. Bell

W. M. Hastings

Attorneys for the Cherokee Nation.

F. D. 416

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190..

Given under my hand this ....

day of ..... A. D. 190..

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 12 day of [illegible] 190 2

[illegible]

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190..

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of .....

for enrollment as Cherokee Freedmen:

Case No. F. D .....

To .....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on ..... at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

R B Bell

W. W. Hastings

Jas. L. Davenport

Attorneys for the Cherokee Nation.

F. D. 415

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190 .....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 12 day of April, 190 .....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of .....

for enrollment as Cherokee Freedmen:

Case No. F. D .....

To .....:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on ..... at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

R. B. Bell

W. W. Hastings

Jas. L. Davenport

Attorneys for the Cherokee Nation.

3DH15

File with C. W. D-415.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:
Mellette & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewheres about '62.
Q Well how long did he live in that country after you got acquainted with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when you got acquainted with him? A No, sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sukie, if I don't forget it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Ross.
Q Well now was he living with her when he left that country? A No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '66 or '67.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q Well, do you know whether or not he married after this wife died?
A I couldn't say as to that; he left there, all of the Peas left there.
Q What other members of the Pea family were there that you knew?
A Well, there was his uncle Ben Pea, and his mother, Millie Pea, and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie Pea, that amounted to the whole family.
Q And his wife died either in '66 or '7, this Susan Pea? A Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live--- A At Mapleton, Kansas, Bourbon County, Kansas.
Q How long have you lived there? A I have been in Mapleton ever since '61, December, '61.

Q After you went to Mapleton did you get acquainted with a colored man by the name of Charlie Pea? A I did.
Q About how long had he been there before you got acquainted with him? A Well now I don't remember how long he had been there; about '62 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Pea, he was a blacksmith.
Q That is the old man or Charlie? A No, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Pea, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '67.
Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but that he didn't marry there.
Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Pea's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Pea? A I know the whole family of Peas, the old man, and well, there was Ben and the old lady that lived-there was his sister,-now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Mapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 48 years.
Q Well, did you know a colored man by the name of Charlie Pea there about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Ross.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedman cases: D-416, R-94, D-866, D-705 and D-725, in addition to the case at bar, D-415.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

William Glenninger

Subscribed and sworn to before me this 10th day of April, 1902.

H. Reuter

Notary Public.

DEC 29 1902

F. D. 415.

To be filed with C. F. D. 416, Susan Pee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 16, 1902.

In the matter of the application of Josh Vann et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-415.

APPEARANCES:
Mellette & Smith for applicants.
W. Hastings for Cherokee Nation.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Margaret Perkins.
Q What is your postoffice, Mrs. Perkins? A Mapleton, Kansas.
Q Have you testified once before in this case? A Yes, sir.
Q Do you know Charley Pee? A Yes, sir.
Q Do you know Susan Pee? A Yes, sir.
Q When Charley Pee's wife died, did you know whether he married again or not? A Well, yes, sir, I know he was living with another woman.
Q How did you know her name? A Her name was Suckie Vann.
Q Suckie Vann? A Yes, sir, I knew her and her mother and brothers.
Q Was that before or after the death of his other wife? A Yes, sir, after the death of Susan, after Susan was dead.
Q When did his first wife die? A She died in '67.
Q And afterwards you knew he was living with Susan Vann, was he? A Yes, sir, with Suckie Vann.
Q Did Suckie Vann have any children that you know of? A Yes, sir, she had three, two was with her, and one lived at Posey Gibson's, her oldest.
Q What was his name? A His name was Josh, light colored boy, about 17 year.
Q How do you know who Josh's father was or said to be? A Why, he said to be, said, yes, sir. His mother's young master, Cull Vann, she said.
Q She said his young master, Cull Vann, was his father? A Yes, sir.
Q About what time did they leave that country? A Left anyway '68 or '69.
Q Was this marriage to her? A After, yes, sir.
MR. HASTINGS: Now are you talking about Charley Pee? A Yes, sir, Charley Pee.
Q Do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A No, sir, he was a young man for quite a bit.
Q Well did he marry while he was there where you lived? A Yes, sir, he married right there in the neighborhood.
Q Who did he marry? A Married Susan Ross, a girl that lived right there by us, too, on our place.
Q When did she die? A She died '67.
Q What makes you think it was in '67? A From the age of my daughter. Well one thing that makes me think it was, in '68 my husband bought a school quarter of land, and then the Pees leased that land for three years, it was in October, '68, and they leased

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BEST AVAILABLE COPY

it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 this lady she had the consumption, and she was there off and on till along- oh, several times she was there.
Q When did he marry her? A He married her in about '64, just how married her about , '64, they came there in about '63, and must have been about '64 or '5 that he married her.
Q Well who was this woman that you say he lived with after Susan died? A Her name was Sukie Vann, she was the daughter of Lottie Vann, and after she came to that country she lived around there lived with a man by the name of Gilbert Vann, and those other two children, the first child that she had, she had three children, the first one the same name as the others, wasn't full brothers you know, she lived with this Gilbert Vann of the same name you know; her mother's name was Lottie Vann, she had a brother by the name of Mc Vann.
Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well about - well, after she died, oh then would take this woman occasionally on trips to Ottawa, and he was with his mother, old Aunt Millie Pee, and Aunt Millie used to want sometimes for him to take her to Ottawa. Well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.
Q Well how long would he be gone when he would go away? A There was a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go off and leave Susan that way sometimes. His first woman you know would go up there occasionally and come back.
Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his sister, and they would go back and forth, and they would come back, and "Well, we have been gone to Ottawa," they seemed to have business there or visit or something; it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.
Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never spent - you know he would make several trips in the spring or summer you know, he would never spent very long of the time; why he couldn't make two or three trips I know when he-
Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.
Q Well now what makes you think it was in '66 that your husband bought the lease of land? A Well, the reason it was school land sales, and the school land sales was the 15th of October, 1906; and we have the deed of it; I have the numbers of land, '66. I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.
Q Well do you remember all this time or have you had to go back and look that up? A I didn't have to go back to look it up for I have the deeds yet.
Q The deed? A The deed to the school quarter.
Q Where is that deed? A I haven't it with me.
Q Got the deed at home? A Yes, sir, I have the deed at home.

Q That was the 15th of October, 1866? A '66, October.
Q Well now How long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week; do you actually know when the lease was made of your own knowledge to be able to swear to it? A Oh, yes, I could swear to it; it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter, he told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a comfortable log house, and they was there that fall and winter getting it put up before they got moved in it.
Q How who was that who moved in? A Why Charley Pee and Ann Pee, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Pee and his wife, and Uncle Ben Pee was the ones that worked and built the house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.

MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Q Mr. Davenport examined you before in this matter? A Yes, sir.

J. H. PERKINS, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A J. H. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been down here before as a witness in the case of Susan Vann or Susan Pee and her son Josh Vann? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Ross.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Pee? A Well he went to live with Susan Vann.
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did she have any by the name of Josh? A Yes, sir, that was her- my understanding that was her oldest one, Josh.
Q Did you ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q Who? A Culler Vann, that was what I understood, was Cull or Culler Vann, that's what they called him.
Q How long did you know them there after he went to living with Sukie Vann? A Well-
Q About what time did they leave that country? A He left there some time in '68, either, sometime in '68.

Posey Gibson and Charley Pee and the old man Pee all moved in here somewheres about Chetopa in '68, that was my understanding, that's where they went to.
Q You knew them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.
Q How near did they live to you? A Well they were just about, they was about four miles.
Q You knew Posey Gibson, too, did you? A Oh, yes, sir.
This Josh Vann, son of Sukie, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann, well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert,Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.
Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I think. I think he lived there as much as three or four years with Posey Gibson.
Q And you say Posey Gibson never left there till '68? He never left until up in '68, they all left there about the same time, they all left there about the same time.
MR. SMITH: Why, Mr. Perkins, did you get a lease, but some school land up there? A No, that was my wife's first husband.
Q It was? A Yes, sir, I know about the date, I was living right there when the deal was made mind you.
Q When was that? A Well, that was in, I can't give you the numbers of the land.
Q No, the date I am asking about? A Oh, that was in '66.
Q What time? A In '66, October I think, about the 15th, that was; I bought some school land about the same time, about '66.
Q Well now after that school land was bought how long did these people the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.
Q Where were you living? A I was living in Hapleton all this time.
Q How far from that school land? A About four miles.
Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.
Q Little over a year? A Yes, sir.
Q Well was he living on it at the time he left to go away from that country? A Jackson?
Q Yes, sir? A Yes, sir.
Q He and the Pees all went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.
Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.
Q Well when? A About, well about '67 or '8, somewheres along there, and then he was on the school land about a year, I believe

in '68.
Q When did you think he went on the school land? A Well he went on the school land - well that school land was purchased in October, '66, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '66 before he went on it? A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '66. Well it was that next winter that he built on it, he went; but you see he bought it in October, '66.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people; I never knew the Peas lived on it. Charley lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I a'n't sure but they was on that now; I can't be positive about that, ry woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after th y left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she? A Yes, sir.
Q When were you married to her? A We was married in '68, '69.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: D-[illegible], D-804, D-866, D-707, D-725, and D-[illegible], the case at bar.

Arthur G. Croninger, being first duly sworn, states that ac stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

(Seal) (Signed) P. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 28th day of July, 1902.

Bruce B. Jones
Notary Public.

I. D. 2415

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 1 1902

ACTING CHAIRMAN.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit.

Josh Vann, D 415;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Jx4116

File with C. F. D-416.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:
Mellette & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewheres about '62.
Q Well how long did he live in that country after you got acquainted with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when yougot acquainted with him? A No, sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sukie, if I don't forget it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Ross.
Q Well now was he living with her when he left that country? A No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '66 or '67.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q Well, do you know whether or not he married after this wife died?
A I couldn't say as to that; he left there, all of the Peas left there.
Q What other members of the Pea family were there that you know?
A Well, there was his uncle Ben Pea, and his mother, Millie Pea, and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie Pea, that amounted to the whole family.
Q And his wife died either in '66 or '7, this Susan Pea? A Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live --- A At Mapleton, Kansas, Bourbon County, Kansas.
Q How long have you lived there? A I have been in Mapleton ever since '61, December, '61.

Q After you went to Mapleton did you get acquainted with a colored man by the name of Charlie Pea? A I did.
Q About how long had he been there before you got acquanited with him? A Well now I don't remember how long he had been there; about '62 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Pea, he was a blacksmith.
Q That is the old man or Charlie? A No, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Pea, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '67.
Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but then he didn't marry there.
Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Pea's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Pea? A I knew the whole family of Peas, the old man, and well, there was Ben and the old lady that lived-there was his sister,-now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Mapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 46 years.
Q Well, did you know a colored man by the name of Charlie Pea there about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Ross.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made part of the record in the following Freedmen cases: D-416, R-94, D-666, D-705 and D-723, in addition to the case at bar, D-415.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of April, 1902.

Notary Public.

D. 415.

D. 415.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 16, 1902.

In the matter of the application of Josh Vann et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-415.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Margaret Perkins.
Q What is your postoffice, Mrs. Perkins? A Mapleton, Kansas.
Q You testified once before in this case? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know Susan Pee? A Yes, sir.
Q After Charley Pee's wife died, did you know whether he married again or not? A Well, yes, sir, I know he was living with another woman.
Q Well did you know her name? A Her name was Sukie Vann.
Q Sukie Vann? A Yes, sir, I knew her and her mother and brother.
Q Was that before or after the death of his other wife? A Yes, sir, after the death of Susan, after Susan was dead.
Q When did his first wife die? A She died in '67.
Q '67, and afterwards you know he was living with Susan Vann, Sukie Vann? A Yes, sir, with Sukie Vann.
Q Did Sukie Vann have any children that you know of? A Yes, sir, she had three, two was with her, and one lived at Posey Gibson's, her oldest.
Q What was his name? A His name was Josh, light colored boy, good big boy.
Q Well now do you know who Josh's father was or said to be? A Yes, sir, said to be, said, yes, sir. His mother's young master, Cull Vann, was said.
Q Claimed his young master, Cull Vann, was his father? A Yes, sir.
Q About what time did they leave that country? A Left anyway '68 or '9.
Q After his marriage to her? A After, yes, sir.
MR. SMITH: Now are you talking about Charley Pee? A Yes, sir, Charley Pee.
Q Well do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A No, sir, he was a young man for quite a bit.
Q Well did he marry while he was there where you lived? A Yes, sir, he married right there in the neighborhood.
Q Who did he marry? A Married Susan Ross, a girl that lived right there by us, too, on our place.
Q When did she die? A She died '67.
Q What makes you think it was in '67? A From the age of my daughter. Well one thing that makes me think it was, in '66 my husband bought a school quarter of land, and then the Pees leased the land for three years, it was in October, '66, and they leased it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 this woman she had the consumption, and she was there off and on till along - oh, several times she was there.
Q When did he marry her? A He married her in about '64, must have married her about '64, they came there in about '62, and must have been about '64 or '5 that he married her.

Q Well who was this woman that you say he lived with after Susan died? A Her name was Sukie Vann, she was the daughter of Lettie Vann, and after she came to that country she lived around where we lived with a man by the name of Gilbert Vann, and those other two children, the first child that she had, she had the three children, the first one the same name as the others, wasn't full brothers you know, she lived with this Gilbert Vann of the same name you know; her mother's name was Lettie Vann, she had a brother by the name of Dick Vann.
Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well, about - well, after she died, he then would take this woman occasionally on trips to Ottawa, and he was with his mother, old dame Millie Pee, and Aunt Millie used to want sometimes for him to take her to Ottawa. Well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.
Q Well how long would he be gone when he would go away? A Why there was a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go off and leave Susan that way sometimes. His first woman you know he would go up there occasionally and come back.
Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his sister, and they would go back and forth, and they would come back, and "Well, we have been gon e to Ottawa," they seemed to have business there or visit or something; it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.
Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never spent - you know he would make several trips in the spring or summer you know, he would never spent very long of the time; why he couldn't make two or three trips I know when he -
Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.
Q Well now what makes you think it was in '66 that your husband bought the lease of land? A Well, the reason it was school land sales, and the school land sales was the 15th of October, 1866, and we have the deed of it; I have the numbers of land, '66. I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.
Q Well do you remember all this time or have you had to go back to look that up? A I didn't have to go back to look it up for I have the deeds yet.
Q The deed? A The deed of the school quarter.
Q Where is that deed? A I haven't it with me.
Q Got the deed at home? A Yes, sir, I have the deed at home.
Q That was the 15th of October, 1866? A '66, October.
Q Well now how long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week; do you actually know when the lease was made of your own knowledge to be able to swear to it? A Oh, yes, I could swear to it; it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter. He told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a double

log house, and they was there that fall and winter getting it put up before they got moved in it.
Q Now who was that who moved in? A Why Charley Pee and Ann Pee, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Pee and his wife, and Uncle Ben Pee was the ones that worked and built the log house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.
MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Q Mr. Davenport examined you before in this matter? A Yes, sir.

J. M. PERKINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been down here as a witness before in the case of Susan Vann or Susan Pee and her son Josh Vann? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Ross.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Pee? A Well he went to live with Susan Vann.
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did she have any by the name of Josh? A Yes, sir, that was her - my understanding that was her oldest one, Josh.
Q Did you ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q Who? A Culler Vann, that was what I understood, was Cull or Culler Vann, that's what they called him.
Q How long did you know them there after he went to living with Sukie Vann? A Well -
Q About what time did they leave that country? A He left there sometime in '68, either, well sometime in '68. Posey Gibson and Charley Pee and the old man Pee all moved in here somewheres about Chetopa in '68, that was my understanding, that's where they went to.
Q You know them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.
Q How near did they live to you? A Well they were just about, they was about four miles.
Q You knew ~~Mr.~~ Posey Gibson, too, did you? A Oh, yes, sir. This Josh Vann, son of Sukie, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann, well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she

went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.
Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I think. I think he lived there as much as three or four years with Posey Gibson.
Q And you say Posey Gibson never left there till '68? A He never left until up in '68, they all left there about the same time, they all left there about the same time.
MR. SMITH: Why, Mr. Perkins, did you get a lease, buy some school land up there? A No, that was my wife's first husband.
Q It was? A Yes, sir, I know about the date, I was living right there when the deal was made mind you.
Q When was that? A Well that was in, I can't give you the numbers of the land.
Q No, the date I am asking about? A Oh, that was in '66.
Q What time? A In '66, October I think, about the 15th, that was; I bought some school land at the same time, about '66.
Q Well now after that school land was bought how long did these people, the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.
Q Where were you living? A I wasliving in Mapleton all this time.
Q How far was that from the school land? A About four miles.
Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.
Q Little over a year? A Yes, sir.
Q Well was he living on it at the time he left to go away from that country? A Jackson?
Q Yes, sir? A Yes, sir.
Q He and the Pees all went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.
Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.
Q Well, when? A About, well about '67 or '8, somewheres along there, and then he was on the school land about a year, I believe in '68.
Q When did you think he went on the school land? A Well he went on the school land - well that school land was purchased in October, '66, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '66 before he went on it? A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '66. Well it was that next winter that he built on it, he went; but you see he bought it in October, '66.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never knew of any one living on there now, that school land but Jackson, that is any of the colored people; I never knew the Pees lived on it. Charley lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he

lived? A Well I don't, but I don't think that he lived on it, but I ain't sure but they was on that now; I can't be positive about that, my woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after they left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she?
A Yes, sir.
Q When were you married to her? A We was married in '88, '89.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

Commission: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-416, R-94, D-666, D-707, D-725, and D-415, the case at bar.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 22nd day of May, 1902.

E. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and children as Cherokee freedmen. Testimony in behalf of applicants.

Applicants appear by Mellette & Smith; Cherokee Nation by W. W. Hastings.

Thomas H. Moore, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Thomas H. Moore.
Q Where do you live? A Ketchum, on Grand River.
Q How old are you? A Fifty years old.
Q Do you know Susan Pee? A Yes sir.
Q How long have you known her? A The first time I saw her was right away after the war.
Q Where was it you saw her? A Saw her on Russell Creek.
Q In what nation? A Cherokee Nation.
Q What year? A '66.
Q What time in the year? A In the fall.
Q What was she doing there? A She lived there.
W. W. Hastings: How old are you? A 50 years old.
Q How old were you in '66? A I was about 16 I guess, somewhere along there.
Q You were going to school in Kansas then weren't you? A No sir.
Q You are not on a straight card yourself are you? A No sir.
Q You are a doubtful colored person? A I guess so.
Q Who was Susan Pee living with when you first saw her? A She lived on Russell Creek and with her children. Her husband do you mean? Her husband was Charley Pee.
Q You didn't see him at that time? A No sir.
Q Was he there? A No sir.
Q Where was he? A I don't know.
Q Didn't they tell you where he was? A I stayed there all night.
Q Didn't you hear them say anything about him? How long had she been married to Charley Pee? A I don't know.
Q How far was this house from Chetopa, Kans.? A I don't know, there was no town there then.
Q How far was it from the state line of Kansas? A I don't know how far it was, somewhere on the creek as near as I remember.
Q It is some where in the United States of America isn't it? A It was in the Cherokee Nation. It was on Russell Creek.
Q How far from the line was this cabin on Russell Creek? A As near as I can remember - I don't remember where the line is. I only know by the roads.
Q You don't know whether it was in the Cherokee line or in the Kansas line? A We come right along there, right often and when I went back there where she was living we stayed there all night.
Q Who stayed with you? A Lewis Rowe and Levi Bird.
Q Was it the Henry Bird ever at Tahlequah? A No sir, it was Levi Bird.
Q What were you doing going back up there? A We went back up there to get something to eat; it was hard time up there.
Q You didn't come until '68? A I come in '65.
Q Do you know this is the date set apart for the closing of freedmen testimony? A Yes sir.
Q Notices were sent you two or three months ago? A Yes, I got a notice.
Q You live near Vinita? A 15 miles east of Vinita.
Q This Commission sat at Vinita two different times hearing freedmen testimony and you were around there a good deal? A Yes sir.

Q And you never then come in to testify, you waited to come something like fifty or sixty miles down here, and waited until the last evening so that it could not be rebutted - not until the last time?

Mr. Smith: I object.

A The people didn't know until we got to talking about it; I have talked about it since then and raked this up; we have been talking about it ever since. I got these notices refreshing my mem'ry.

Q How long ago? A Ever since this court is going on.

Q When did you refresh your memory about this case? A From time to time.

Q But the first time, you refreshed your mind while the court was at Vinita? A Yes sir.

Q Why didn't you go in there? A I wasn't asked to testify.

Q You were how old when the war closed? A About 16.

Q You were about 16 years old, is that correct, when you saw these people? A I was about 16 when I saw these people. As near as I can remember it has been so long. A lot of things I forget, but they come back to me. Lots of these things come back fresh to my mem'ry when I never have thought about it before.

Q This was brought fresh to your recollection the last evening of taking testimony wasn't it? A No, not altogether.

Q They had a family up there didn't they? A I don't know, we only stayed all night there. I don't know what they all had there; we stayed there all night and went from there to Baxter.

Q You knowed her before the war? A I seen her often in Kansas.

Q What place in Kansas? A Near Hobbs' Mill is the first time I saw her.

Q Near what town is that? A I don't know, near Hobbs' Mill, near Mapleton I guess.

Q How many children were there there that night? A She had about three children.

Q Name them? A Joshua, Jesse and Martha.

Q About how old was Martha? A I don't know.

Q Martha was by her last husband? A No sir.

Q Was she by her former husband? A Yes sir.

Q What kind of a house did she have? A A log cabin.

Q Was it right on the Creek? A No sir, it seemed to be about one mile or two miles from the creek as near as I can remember.

Q How old was Josh at that time? A I dont know exactly, but he was about 10 or 11 years old. I don't know, I didn't know nothing about his age.

Q There wasn't any man there? A Not that I remember of.

Q They had no wagon or team there? A I don't remember what they had there.

Q Was it spring or fall? A It was fall.

Q What year did Wallace make that roll? A '89?

Q Well was it '89? A As near as I remember it must have been '89.

Q Are you certain of it? A As near as I can remember.

Q Well you and Bird and Lewis Rowe went back up north did you? A Yes sir.

Q You never have told me how far this house is from the line? A I don't know how far it was, I don't know how far the line was, but it was some where on that creek.

Q Do you think it was on or twenty miles from the line? A About 2 1/2 miles as near as I can remember.

Q Did you see any other house around there? A I don't remember.

Q When did you next see Josh and his mother? A Some five or six years they moved down on the river below us.

Q Did you ever have occasion to go back to that place? A No sir.

Q You didn't go back there from Kansas? A No sir.

Q You came back another way? A We didn't go near there.

Q You never saw them until five or six years after that? A No sir, not until I saw them down here.

Q You don't know howlong they had been living up there? A No sir. The old man went by there; this woman was the old man's relation

and we stayed there all night. It was her stepfather.
Q Whose stepfather? A Lewis Rowe was my stepfather.
Q Captain George wasn't along with you? A No sir.
Q And you never attempted to give testimony in this case until the last day have you? A I never was asked for any testimony.
Mr. Smith: When did you come to Muskogee this time? A Thursday morning of this week.
Q Were you here last Thursday when we were taking testimony? A Yes sir.
Q Was Josh Vann here? A Yes sir.
Q Were you waiting here to give testimony then? A Yes sir.
W. W. Hastings: You received notice last March that it was going to close on the 31st day of May? A Yes sir, from the Commission.
Q And you saw it in the paper? A Yes sir.
Q And you waited until the last day? A Yes sir, I had to come also to see about my own boy that was on a doubtful card.
Q You found it out then that you knew something about this case?
A I knewed it before, but I was not called before.

Counsel for applicant moves to have all questions and answers stricken out relative to testimony being taken on last day because it is incompetent, irrelevant, and does not tend to show an issue in this case.

W. W. Hastings: The Cherokee Nation in reply to that desires to say that it is a strongly suspicious circumstance that the applicants who filed their cases more than a year ago at the town near which they lived, the same being Vinita, in this case, and that they have waited for more than a year in order to put testimony in on the essential points in their case, and having received notice that the testimony would close, they bring the witnesses here and introduce them on the evening of the last day in order that the Cherokee Nation might not have the time or the opportunity in order to rebut the same, particularly when these witnesses which they bring were witnesses who trailed after the Commission at nearly every place the Commission met when abundant opportunity was given to testify and they didn't avail themselves of it. We say that it is a suspicious circumstance and it is one that the Commission should take into consideration.

Mr. Smith: The counsel for the applicant in support of the motion suggests that the applicant had a perfect right to rest upon the testimony offered and also the right to exercise their judgment as to whether after the testimony had been introduced by the Cherokee Nation it was expedient for them to offer any further testimony, and that they are simply exercising the rights afforded to them under the rules of this Commission.

W.W.Hastings: The Cherokee Nation in answer says: That under no rule or pleading is this testimony admissible; that the applicants in this case under the practice in all courts at this time would only be permitted to introduce rebuttal testimony to offset any testimony heretofore introduced by the Cherokee Nation, but would not be permitted to introduce original testimony in support of their case; that rebuttal testimony is to offset testimony introduced by the defendant, where as this testimony is testimony in support of the original application.

Mr. Smith: The counsel for the applicant is willing to submit the case without further argument.

The testimony will be filed and made a part of the record in this case.

Witness recalled by Mr. Smith: Do you know John Pee? A Yes sir.
Q Whose son was John? A Susan Pee.
Q What do you knowabout John, is he living or dead? A He is dead.
Q What caused his death? A He was shot down by John Davis at Vinita; I wasn't there, but I saw him after he was killed.
Q Was John Pee the brother of Josh Vann? A He was a half-brother.
Q And you say by the same mother? A Yes sir.
Q Susan Pee was his mother? A Yes sir.
Q And you say that John Pee was shot by John Davis? A Yes sir.

4 Josh Vann-

Q Who was John Davis? A Son of Bill Davis.
Q Was he a Cherokee citizen? A Yes sir.
F. W. Hastings: This killing was done after the 1896 roll was made? A Yes sir.
Q And the killing took place before the Curtis Bill was passed didn't it? A Yes sir.
Q And the fellow wasn't convicted was he? A No sir.
Mr. Smith: Was he tried by a jury? A Yes sir, by the Cherokee Court.
Q Were you there? A No sir, I wasn't there.

Frank Ross, being sworn and examined testified as follows:
By Mr. Smith: State your name? A Frank Ross.
Q How old are you? A 54 years old.
Q What is your postoffice? A Hayden.
Q Do you know Susan Pee? A Yes sir.
Q Where does she live? A She lives on Grand River.
Q Do you know Josh Vann? A Yes sir.
Q What relation is Josh Vann to Susan Pee? A Claimed to be her son.
Q How long have you lived in the Cherokee Nation? A All my life.
Q When did you first see Susan Pee in the Cherokee Nation after the war? A In the fall of '66.
Q Where? A On Russell Creek.
Q Where is Russell creek? A This side of Chetopa.
Q About how far from where Vinita now stands to the place where you first saw her then? A As near as my judgment, it is thirty miles.
Q What was she doing there? A She was living there.
Q Did she have any children there? A Three.
Q What are their names? A Josh, Jesse and Martha.
Q How long after that did you see her again? A About two years.
Q Where was that? A About near Brice's Creek, in the Cherokee Nation.
Q How long before that when you saw her again? A About one year or may be longer.
Q Then where did you next see her? A I have seen her off and on ever since.
Q Where? A In Vinita, Grand River.
Q Is Grand River in the Cherokee Nation? A Yes sir.
F. W. Hastings: Frank, have you missed a single session of the Commission? You have been to all of them? A Yes, I have been to all of them.
Q Were you up at Vinita when these people made this original application last spring? A Yes, I was there a while.
Q You was there as a standing witness for a number of people? A I never witnessed for none.
Q Did you ever refuse to testify for any single fellow? A Yes sir, for lots of them.
Q You went to Chelsea? A Yes, if I had knowed them I would have testified for them.
Q You testified there in a number of cases? A Yes, a few.
Q You went to Nowata? A Yes.
Q And you testified there? A Yes, for a few.
Q Where did you live in '66? A Part of the time on Brice's Creek and part of the time on Grand River.
Q Tell me a single man that you refused to testify for? A I don't that I can tell the name.
Q Is there any one that you refused to testify for? A Yes.
Q Name one of them? A I don't know that I have to.
Q Name them? A I refused to testify for two or three of them.
Q Name one of them? A I refused to testify for Jim Landrum.

Q Where did you refuse to testify for him? A At Vinita.
Q Did Josh ask you to testify in his case? A He asked me if I knew him and recollect him.
Q When did he ask you? A Last spring.
Q Did he ask you to testify for him? A He said if he needed me he would.
Q He didn't need you then? A I don't guess he did.
Q And you waited until the last day for the purpose of coming down here so that you could not be contradicted, didn't you? A No sir, I come here last Wednesday.
Q Who was with you at Russell Creek? A Alex Johnson.
Q Is he dead? A Yes, he was killed over at Gibson.
Q You knew he was dead too, didn't you? A Yes, of course I knew he was killed.
Q Did you see Charley Pee up there? A Yes sir.
Q How many children did he have by this woman at that time? A They didn't have any.
Q He was living there at that time? A Yes, he was living there.
Q Well how large a field did they have aroundthere? A They didn't have any field that I saw.
Q He had a house did he? A He had a log ###### hut.
Q About what time of the year was it? A About the first of the fall.
Q And you have remembered it now for 36 years? A I remember it well.
Q Can you read or write? A I can read a little; I can't write.
Q What year did Wallace make the roll in this country? A Along about '86 I think.
Q What year were you married? A I was married in '86, in the winter.
Q Where? A I told you yesterday.
Q Where? A Iola, Kansas, in February of '86. The next day after I got married I come right home.
Q Don't you know Charley Pee wasn't married to this woman until '88 in Kansas? A I know he was there; I don't know he married there.
Q He lived there as husband and wife? A Yes sir, they were together.
Q And that was in '66? A Yes, that was in the fall of '66.
Q You are certain of that? A Yes sir.
Q You swear that Charley Pee was living with his wife as husband and wife in the fall of '66? A Yes sir.
Q Is this woman any kin to you? A No sir, not that I know of.
Q Did you refuse to testify for any one besides Jim Landrum?
A Yes.

Counsel for the applicant objects because the question does not tend to prove an issue in this case.
Commission: Answer the question? A I refused to testify for Harry Still.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

6-Josh Vann-

Continued:

Q How far was this cabin from the bank of Russell Creek? A I don't know exactly how far it was; it wasn't very far.
Q Did they get water out of that creek? A Yes, they got water from some where around there.
Q How long did you stay there? A I stayed all night there. I had been up-their horses were stolen and we stayed there all night and come back home.
Q How far did you follow the horses? A Up close to the Osage Nation. There were only a few houses up there.
Q How far was this near the Kansas line where the applicants lived? A I don't know how close it was then.
Q About how far? A I couldn't say.
Q What is your best judgment? A It might have been 25 or 30 miles from the Kansas line.
Q That is your best judgment? A Yes sir.
Q Was Chetopa located there? A There was a trading post there then.

This testimony will also be filed with and made a part of the record in the cases of Mattie Vann et al., D-725; Lettie Muldrow, et al., D-705 and Mary C. Lane et al., D-666, as well as the case at bar, being that of Josh Vann D-415.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of June, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Josh Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Josh Vann, et al.,.....	Cherokee	Freedmen	D 415
Lettie Brown, et al.,....	"	"	D 705
Mary C. Lane, et al.,....	"	"	D 666

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Josh Vann for himself, his minor children, George, James, Cull and Eva Vann, and for his mother, Susan Pee; by Lettie Muldrow (now Brown) for herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown; that subsequent to the date of her application supplemental testimony was taken before the Commission showing that the said Lettie Muldrow was married, on July 22, 1901, to one William Brown, and she will therefore be styled Lettie Brown in this decision; and by Mary C. Lane for herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Inez L. Downing.

The evidence shows that the said Susan Pee and her son, Josh Vann, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken to Kansas during the rebellion and did not return to and establish a residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866 and are the descendants of the said Susan Pee and Josh Vann respectively; and that they have no rights to enrollment except as such descendants. None of the applicants herein are identified on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josh Vann, George Vann, James Vann, Cull Vann, Eva Vann, Susan Pee, Lettie Brown (formerly Muldrow), Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Ines L. Downing, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 1907

Card # 1480

32

IN RE
THE DEATH OF

Susan Pew
a citizen of the

Cherokee Nation.

Approved January 5th 1906

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

CHRONICLER.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Susan Tee (Here insert name of deceased.)

~~a citizen~~ Freedman of the Cherokee Nation, who formerly resided at or near

Kenita (Here insert name of postoffice.), Ind. Ter., and died on the 22 day of

February, 1903

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, ~~Northern~~ DISTRICT.

I, Josh Vann, on oath state that I am 49 years of age and a ~~citizen, by~~ Freedman, of the Cherokee Nation; that my postoffice address is Ketchum (Here insert name of postoffice.), Ind. Ter.; that I am Dow (State relationship: as the father; an uncle; a cousin, etc.) of Susan Tee (Here insert name of deceased.), who was a ~~citizen, by~~ Freedman, of the Cherokee Nation and that said Susan Tee (Here insert name of deceased.) died on the 22 day of February, 1903.

Joshua Vann

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 5th day of January 1906.

B. P. Rasmus
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT.

I, , on oath state that I am years of age, and a citizen by of the Nation; that my postoffice address is (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with (Here insert name of deceased.) who was a citizen, by , of the Nation; and that said died on the day of , 1 .

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

Notary Public.

Land #-1480

32

IN RE
THE DEATH OF

Will Vann
a citizen of the

Cherokee Nation.

Approved January 5th 1906

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Cuee Vann
(Here insert name of deceased.)
a ~~citizen~~ Freedman of the Cherokee Nation, who formerly resided at or near
Strang City (Here insert name of postoffice.) Kansas, ~~Ind. Ter.~~ and died on the 26 day of
November, 1903

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, } ~~Northern~~ DISTRICT. }

I, Jack Vann, on oath state that I am 49
years of age and a ~~citizen, by~~ Freedman of the Cherokee Nation;
that my postoffice address is Ketchum (Here insert name of postoffice) , Ind. Ter.; that I am
father of Cuee Vann
(State relationship: as the father; an uncle; a cousin, etc. (Here insert name of deceased.)
who was a ~~citizen, by~~ Freedman of the Cherokee Nation
and that said Cuee Vann (Here insert name of deceased.) died on the 26 day of
November, 1903.

WITNESSES TO MARK: Jack Vann

(Must Be Two Witnesses.) }

Subscribed ~~and sworn~~ to before me this 5 day of January 1906.

B. P. Rasmus
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, , on oath state that I am
years of age, and a citizen by of the Nation;
that my postoffice address is (Here insert name of postoffice.) , Ind. Ter.;
that I was personally acquainted with (Here insert name of deceased.)
who was a citizen, by , of the Nation;
and that said (Here insert name of deceased.) died on the day of
, 1 .

WITNESSES TO MARK:

(Must Be Two Witnesses.) }

Subscribed and sworn to before me this day of 190 .

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Josh Vann,
Ketchum, I.T.
CherokeeF-D-415
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, May 31st, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Josh Vann et al for enrollment as ~~Freedmen~~ of the Cherokee Nation.

J. Rucker Smith

Attorneys for Applicants.

Cherokee F. #D415.

Cherokee Freedmen
D-415.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Josh Vann et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March .., 1904, rejecting, among others, the application of Josh Vann for the enrollment of himself, his minor children, George, James, Cull and Iva Vann, and his mother, Susan Pee, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register. Commissioner in Charge.

Enc. D-43.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-415.

Muskogee, Indian Territory, March 22, 1904.

Josh Vann,

Ketchum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself, your minor children, George, James, Cull, and Eva Vann, and your mother, Susan Pee, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register

Enc. D-44

Cherokee Freedmen
D-415 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March [illegible], 1904, in the consolidated case of Josh Vann et al., rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Poe, Lottie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Willie Lane and Inez L. Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-50

Cherokee Freedmen
D-418 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josh Vann et al., including the Commission's decision, dated March , 1904, rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Pee, Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Millie Lane and Inez L. Fowler as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Inc. T-51

(COPY)

Refer in reply tp
the following:
Land.
20429-1904.
50600-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, AUGUST 8, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated March 22, 1904, forwarding the record relative to the application of Josh Vann, et al., for enrollment as Cherokee freedmen.

Josh Vann applied for the enrollment of himself and his minor children, George, James, Cull and Eva Vann, and for the enrollment of his mother, Susan Pee. Lettie Brown, formerly Muldrow, applied for the enrollment of herself and her children, Martha Lynch, Olive Vann, Richard Clinch and Howard Brown. Mary C. Lane applied for the enrollment of herself and her children, Myrtle, Jessie, Susan and Ora Martin, and Millie Lane and Inez L. Downing.

It is shown by the record that Lettie Brown applied as Lettie Muldrow, and she was married to William Brown July 22, 1901, which was subsequent to the date of her application.

The Commission say that the evidence shows that Susan Pee and her son, Josh Vann, were slaves of Cherokee citizens at the commencement of the war; that they were taken to Kansas, and did not return and establish a residence in the Cherokee Nation on or before February 11, 1867; and that none of the applicants are therefore

entitled to enrollment.

Their decision is dated March 5, 1904.

The record shows, as stated by the Commission, that Susan Pee and Josh Vann were slaves of Cherokee citizens at the commencement of the war; that during the war they went to Kansas; and that all of the other applicants herein were born since 1866, and are the descendants of Susan Pee and Josh Vann. The office does not agree with the Commission's decision.

Of the applicants mentioned the following are identified by the Kerns-Clifton roll of freedmen of the Cherokee Nation, to-wit:

Josh Vann,	No. 3853.
Thomas Vann,	" 4032.
Cull Vann,	" 4033.
Eva Vann,	" 4034.
Susan Pee,	" 3852.
Lettie Brown, daughter of Susan Pee, as Pee.	" 3857,
Martha Lynch,	" 4089.
Olive Vann,	" 4091.
Richard Lynch,	" 4092.
Mary C. Lane,	" 2959.
Myrtle Martin,	" 2960.
Jessie Martin,	" 2961.
Susan Martin,	" 3931.
Ora Martin,	" 3932.

Millie Lane and Inez L. Downing were born since the Kerns-Clifton roll was made. George Vann, son of Josh Vann, does not seem

to be identified by said roll, unless he is the George Vann whose name appears thereon opposite No. 4031. The age of the George Vann opposite this number is given as 50 years, while George Vann, son of Josh Vann, was 16 years of age June 27, 1901.

As Josh Vann and all of his children, except George, are identified by the Kerns-Clifton roll, and as the George Vann whose name appears opposite the number mentioned is shown by said roll to have been a resident of the Cooweescoowee District, and as Josh Vann and his children were residents of that District, and as No. 4031 just precedes the number opposite the name of James Vann, second child of Josh Vann, it is very probable that the George Vann whose name appears opposite said number is the son of Josh Vann, and that the age as given by the Kerns-Clifton roll is an error.

Josh Vann testified that he was born in the Saline District, Cherokee Nation; that he was taken out of the Nation to Kansas during the war; that he has lived in the Nation all of his life, except while he was in the state of Kansas; that his mother belonged to Joe Vann, a Cherokee citizen, and thar Cull Vann, a Cherokee citizen, was his reputed father. He testified that he returned to the Cherokee Nation during the summer of 1866 and settled on Russell Creek, about three miles from Chetopa, Kansas. He has been out of the Nation off and on since his return, but his absence therefrom has not been of such a character as to expatriate his citizenship if he complied with the requirements of the treaty. His mother, Susan Pee, seems to have remained in the nation since her return.

Josh Vann was accused of having killed a man, and was out of the nation part of the time, scouting, on account of this accusation. His testimony with reference to his return and the return of his mother is absolutely supported by that of Arthur Bean, Allen Lynch, Harry Still, Thomas H. Moore and Frank Ross, and there is not a scintilla of direct testimony in the record which contradicts the testimony of Josh Vann and the persons just mentioned as to his return to the Cherokee Nation, and the return of his mother.

George Walker testified that he did not know Josh Vann and Susan Pee, and that, "I don't know that I know them." He also testified that he lived eight or ten miles from Russell Creek, that he never saw them in the vicinity of Russell Creek, but did not know whether they were there in 1866.

W. L. Trott testified that he did not know whether he knew Josh Vann; that he did not know Shookey Pee, Josh Vann's mother; that he moved to Russell Creek in the spring of 1866 and lived there until that fall; and in reply to the following question he said: Q. "You don't know if any colored people stopped there in the fall of '66 and stayed there until the winter of '66 and 7?" A. "No sir I can't tell you what happened after I left there."

J. C. Trott testified he did not know of any family living on Russell Creek in 1866, except his own family; that he was not personally acquainted with Shookey Pee, or Josh Vann, her son; that he did not see them on Russell Creek in 1866, and that people might have been camped in that vicinity without him having known it,

if they had "been in a holler log or something like that."

William H. Noble testified that he has lived in the Cherokee Nation since 1866, between the mouth of Fly and Cherry Creeks, on what is known as Short Creek; that his home is about two and one-half miles from Chetopa, Kansas; that he was on Russell Creek in 1866; that "Mr. Trott was there; that the first house was built on the creek in the spring of '66;" that no other houses were built on Russell Creek during the year 1866; that there was a shanty which belonged to Oliver Morris; that he was not acquainted with Shookey Pee or Josh Vann, but had heard of Josh Vann; that he was backward and forward on the creek until the spring of 1868; and that he did not see any colored people there or any houses in 1866.

G. W. Armstrong testified relative to having known Charlie Pee and his wife, Susan, who was also known as Sukie Ross, and who died about 1866 or '67. He said that they lived on a farm in Bourbon county, Kansas, which adjoined his.

Margaret Perkins testified that she knew Sukie Vann and Josh Vann, and that Josh's father was reputed to be his mother's young master, Cull Vann; that they left Kansas "anyway '68 or '9." In this testimony she seems to have been testifying about Charlie Pee. Her testimony tends to indicate that the Pee family, including Josh Vann, lived on land purchased by the Perkins' October 15, 186 6, until some time in 1868 or 1869. Her testimony in this particular however, is contradicted by that of her husband, J.M.Perkins, who testified that a man by the name of Jackson, who had married one of

the Pee girls, lived "on that school land, and I don't remember that Charlie Pee ever lived on that land, if he did I don't remember; he lived in the same neighborhood." He also testified that said Jackson went to Humboldt, Kansas, about '67 or '68, and that he never knew of the Pees living on the school land purchased by him October 15, 1866.

In view of the record in this case the office cannot concur in the Commission's decision. Josh Vann testified that he returned to the Cherokee Nation in the summer of 1866 and settled on Russell Creek, at a point about three miles from Chetopa, Kansas. This testimony is positively corroborated by the testimony of five witnesses in the case, and none of the other witnesses, of whom there are seven testified that he did not return at that time. They did testify, however, that they did not see him on Russell Creek during 1866, but testimony of this character is not sufficient to overcome the positive testimony of the applicant himself, and that of five witnesses, that he complied with the provisions of the treaty.

In view of the record in this case it is respectfully recommended that the decision of the Commission be not approved, and that the Commission be directed to enroll all of the applicants as Cherokee Freedmen.

There is enclosed a communication from N. W. Blue and S. S. Clover, attorneys for Lettie Brown, requesting that no action be taken concerning this case until they have had an opportunity to be heard, which was referred to this office for proper action July 26 last.

Very respectfully,
(Signed) A.C.Tonner, Acting Commissioner.

GAW-MA

D.C. 29369-1904. (COPY) W.C.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHE

I.T.D. 6350-1904. August 11, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Josh Vann, et al (D-415), including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter August 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be not approved, and that you be directed to enroll all of the applicants as Cherokee freedmen. A copy of his letter is inclosed.

You are directed to notify the principal applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to submit argument in the matter, and the applicants ten days within which to answer same.

Respectfully,

(SIGNED) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-415.

Muskogee, Indian Territory, August 26, 1904.

Josh Vann,

Ketchum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of departmental letter of August 11, 1904, in the matter of your application for enrollment as a Cherokee freedman. The Commission's decision in which case, rejecting your application, was forwarded to the Secretary of the Interior for review on March 22, 1904.

In accordance with instructions contained in said letter, you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, a copy of which they will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

Respectfully,

Chairman.

Encl. S-22.

Cherokee Freedmen

D-415.

Muskogee, Indian Territory, August 26, 1904.

Edgar Smith,

Attorney for Josh Vann,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of departmental letter of August 11, in the matter of the application of Josh Vann et al., for enrollment as Cherokee freedmen. The Commission's decision in which case, rejecting the applicants, was forwarded to the Secretary of the Interior for review on March 22, 1904.

In accordance with instructions contained in said letter, you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, copies of which they will be required to furnish both yourself and the principal applicant, Josh Vann. You will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

Respectfully,

Chairman.

Encl. S-23.

R'705

Cherokee Freedmen
D-415-666-705.

Muskogee, Indian Territory, August 17, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of department letter of August 11, 1904, in the consolidated case of Josh Vann, et al., embracing the applications of Josh Vann, et al., Cherokee Freedmen D-415, Mary C. Lane, Cherokee Freedmen D-666 and Lottie Muldrow, et al., Cherokee Freedmen D-705. The Commission's decision in which case, rejecting the applications, was forwarded to the Secretary of the Interior for review on March 22, 1904.

In accordance with instructions contained in said letter, you are advised that you will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as you may desire to submit in this case, copies of which you will be required to furnish each of the principal applicants and their attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Encl. C-24.

Chairman.

COPY.

Muskogee, Indian Territory, October 18, 1904

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 11, 1904 (I.T.D. 6350-1904), there is herewith transmitted argument filed with the Commission by the attorneys for the Cherokee Nation in the consolidated freedmen case of Josh Vann, et al., Cherokee Freedmen D-415, et al., together with reply brief on behalf of the applicants.

Respectfully,

Encl. B-27

Chairman

D. C. 43697-1905.
I.T.D. 6350-1904.
7074-1905.
LRS.

W.C.F.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON. September 13, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 22, 1904, the Commission to the Five Civilized Tribes transmitted the record in the Cherokee freedman case of Josh Vann et al., including the applications of Josh Vann for the enrollment of himself and his minor children, George, James, Cull, and Eva Vann, and for his mother, Susan Pee; Lettie Brown, nee Muldrow, for the enrollment of herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch, and Howard Brown; of Mary C. Lane for the enrollment of herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane, and Inez L. Downing.

On March 5, 1904, the Commission decided that the applicants are not entitled to enrollment for the reason that in the opinion of the Commission applicants Susan Pee and Josh Vann, through whom the other applicants claim right to enrollment, did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

Reporting August 9, 1904, the Indian Office recommended

that the Commission's decision be not approved, and that all of the applicants be enrolled as Cherokee freedmen.

On August 11, 1904, the Department advised the Commission of the recommendation of the Indian Office and instructed said Commission to notify the applicants and the attorneys for the Cherokee Nation that they would be allowed time within which to file arguments in the case. Brief has been filed by the attorney for the nation, also reply brief in behalf of the applicants, both of which have received due consideration.

For the reasons stated in the Indian Office letter of August 9, 1904, a copy of which was forwarded the Commission with departmental letter of August 11, 1904 (I.T.D.6350), the Department concurs in the recommendation of the Indian Office that the applicants be enrolled.

The decision of the Commission is therefore reversed and you are directed to enroll all of the applicants as Cherokee freed men.

A motion has been filed by the attorneys for applicants Lettie Brown and her minor children that the case be remanded, and that upon a rehearing these applicants be enrolled as freedmen of the Cherokee Nation, for the reason that the decision of the Commission is contrary to the law and that said decision is also contrary to the evidence.

The attorneys for the nation request that if the Department deem the testimony presented by the Cherokee Nation insufficient

to show that the applicant Susan Pee remained in Kansas until 1868 or 1869 that the case be remanded to your office for further hearing in order that the said attorneys may introduce further testimony, of which they claim to be possessed.

Said motion is not made under oath. It fails to show that the evidence the attorneys desire to introduce could not have been obtained at the original hearing, neither did the attorneys give the names of the witnesses they desire to introduce or the facts to which said witnesses will testify. The Department does not therefore feel warranted in remanding the case, and the motion is hereby denied.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

COPY.

Cherokee Freedmen

D-415, et al.

Muskogee, Indian Territory, September 22, 1905.

Wade H. Stanfield and
Thomas & Foreman,
Attorneys for Josh Vann, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Vann, et al., F.D-415, Lettie Waldrow, et al., F. D-705, and Mary T. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of Departmental letter of September 13, 1905.

Respectfully,

SIGNED.
Wm. O. Beall
Acting Commissioner.

LS

Incl. S-26

Cherokee Freedmen

D-415, et al.

COPY.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Mann, et al. F. D-415, Lettie Muldrow, et al., F. D-705, and Mary C. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of Departmental letter of September 13, 1905.

Respectfully,

(SIGNED) Wm. O'Beall

Acting Commissioner.

LS

Incl. S-27

Cherokee Freedmen

D-415.

Muskogee, Indian Territory, September 22, 1905.

Josh Vann,

Ketchum, Indian Territory.

Dear Sir:

In connection with your application for the enrollment of yourself and minor children, George, James, Cull and Eva Vann, and mother, Susan Pee, you are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, wherein the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application, is reversed, and this office directed to enroll you, your children and mother.

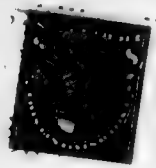
You are further advised that you will not be permitted to make allotment selections for yourself, your children and your mother until your names have been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be notified.

Respectfully,

Acting Commissioner.

LS


REGISTERED
APR
30
MUSKOGEE, IND.





Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

4118

Mr. Josh Vann,

Ketchum, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTRY RECEIPT.

FT. GIBSON, I. T.

Post Office at SEP 10 1901 , 190

Registered ~~Parcel~~ Letter No. 64 Rec'd

of J. C. Starr

Graham

addressed to Ketchum I. T.

Hubbard Ross, P. M.

REGISTRY RECEIPT.

FT. GIBSON, I.T.

Post Office at SEP 10 1901 , 190

Registered ~~Parcel~~ Letter No. 63 Rec'd

of ~~Graham~~ J. C. Starr

Graham

addressed to Ketchum I. T.

Hubbard Ross, P. M.

Cher Fr 1481
Trans from Cher Fr D705

Cher Fr 1481

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 12th, 1901.

In the matter of the application of Lettie Muldrow for the enrollment of herself and four children as Cherokee Freedmen; said Muldrow being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Lettie Muldrow.
Q What is your age? A I don't know, sir.
Q Well, about how old? A I was born in '68.
Q That makes you 33 wouldn't it? A Yes, sir.
Q What is your post office address? A Vinita.
Q What distri ct do you live in? A Delaware I guess.
Q Do you live at Vinita? A Yes, sir.
Q Why didn't you apply at Vinita when we were there? A I was sick and in bed.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Four children.
Q Give me the names of your children? A Martha Lynch.
Q How old is Martha Lynch? A She is 18.
Q The next child? A Ollie Vann.
Q The next child? A Richard Clinch.
Q How old is Ollie Vann? A 15.
Q How old is Richard Clinch? A 13.
Q What is the next one? A Howard Brown.
Q How old is Howard brown? A He ain't quite a year old, he will be a year old the first of July.
Q What is your father's name? A Charley Pee.
Q What s your mother's name? A Susan Vann.
Q Is your father living? A Yes, sir.
Q Are you married? A No, sir, I ain't now.
Q Were you ever married? A Yes, sir.
Q What was your first husband's name? A His name was Isaac Wright.
Q What was your next husband's name? A Lewis Muldrow.
Q Is he living? A Yes, sir.
Q Is he a citizen? A No, si r.
Q Never been married but twice? A That is all.
Q Isaac Wright the father of an y of these children? A No, sir.
Q Lewis Muldrow the father of any of these children?
A No, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Are your father and mother's name on there? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll.
Q Did you draw what is known as strip money? A Yes, sir.
Q Your name is on the Kern-Clifton r oll too isn't it?
A Yes, sir.
Q Well what name did you draw your Kern)Clifton money under?
A Melgrow.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

The Kern -Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found t hereon, pa e 156, #3857, Lettie Pee Cooweescoowee Distri ct.

Q Did you draw for any of these children? A Drawed for three of them.
Q These children are all living at this time? A Yes, sir.
Q Are t hey living with you? A Yes, sir, they went in as Lynchs.

The Kern-Clifton Roll of freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:
Page 165, #4 089, Martha Lynch, Coowescoocowee District.
Page 165, #4091, Ollie Lynch, Coweescoocowee District
Page 165, #4092, Ridge Lynch, Coowee coocowee District.

Q How did these children happen to be put in as Mthe name of Lynch? A They told me to have them put in that way, it would be all right.
Q You were never married to Lynch though? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 184, #3382, Lettie Muldrow, no district given.

BY MR. JS. S. DAVENPORT, Cherokee Representative:

Q How long, have you lived in the Cherokee nation, Lettie?
A Ever since I can remember.
Q You claim your right thro gh your father or mother?
A Mother.
Q She has enrolled hasn't she? A Yes, sir, I think she has.
Q Were these children all born in the Cherokee Nation?
A Yes, sir,
Q You are the mother of all of them are you? A Yes, sir.

COM'R NEEDLES: Lettie Muldrow applies for the enrollment of herself and four children, to-wit: Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown. She avers that she was married at one time to one Lewis Wright and since to one Lewis Muldrow, her present husband She avers that she was born and raised in the Cherokee Nation and these children were all born in the Cherokee Nation. She claims her right through her mother, Susan Pee, and Susan Pee is duly listed for enrollment upon Cherokee Freedman ~~card~~ doubtful card #415, and the testimony taken in the case of the said Su san Pee will be made part of the record in the case at bar and a copy thereof will be filed herewith. She is duly identified upon the Kern-Clifton roll and Wallace roll as Lettie Muldrow, her maiden name so she claims. Her three oldest children, Martha, Olle and Richard, are duly identified upon the Kern-Clifton roll, as Martha, Ollie and Richard Lynch. She avers that she has one child, Howard Brown, whose name does not appear upon any of the rolls. It will be necessary for her to file satisfactory proof as to the birth of said child. Said Lettie Muldrow and her four children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified of the decision of the Commission by mail when arrived at.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this June 25th, 1901.

Commissioner.

~~FR 105~~

(D Cher. Fr. 1481.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 12 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 12 1901

Date .....

Post Office Vinita I. T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

12. Name of wife Lettie Muldrow Age 33

Owner's name ..... Citizenship .....

Year K C Page 156 No 3857 District Coo

Parents:

Father Charles Pee – dead Citizenship .....

Mother Susan Pee – living Citizenship .....

Names of Children:

2.	Agatha Lynch	Year K C	Page 165	No. ~~1088~~ 1089	Dist. Coo	18
3.	Ollie Vann	Year "	Page 165	No. 1091	Dist. "	16
4.	Richard Church	Year "	Page 165	No. 1092	Dist. "	13
5.	Howard Brown	Year —	Page —	No. —	Dist. —	1
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Ben. F. Stenographer .....

1 Cuk Co. Mil as Lettie Pee
2 " " " " " Ollie Lynch
4 " " " " " Richard "
1 " Wallace roll, Page 184 #3382
5 Aff. of birth required

To be filed with case of Lettie Muldrow, C. F. D.#706.

REJECTED, as to Wife, Callie:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Josh Vann for the enrollment of himself, wife, four children and his mother as Cherokee Freedmen; said Vann being sworn and examinedby Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Josh Vann.
Q How old are you? A About 45 I guess.
Q What is your post office? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes, sir, she is sick and ain't able to get around.
Q How old is she? A She is a out 75 years old.
Q Then yourself and your mother? A And my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, she don't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her you can't tell what her rights may be? A All right, and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the chiodren living with her? A Yes, sir.
Q She had better apply for them? A All right.
Q How long have you lived in the Cherokee Nation?
A I have lived in the Cherokee Nation about 34 or 35 years.
Q Where did you live before that? A Lived sometime in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation A Yes, sir.
Q Were you taken to Kansas during the wqr? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life exfept when you were in Kansas that time? A Yes, sir, this has been my home all the time.
Q You have never made your home anywhere else? A No, sir.
Q Give me the name of your father? A His name was Gull Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Give me the name of your mother? A Susan Pee or Vann.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Pee.
Q How long has she borne the name of Pee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q When did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '96.'97.
Q You had been married before that had you? A Yes, sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in '75.
Q Where did you marry her? A On Grand river in Delaware District.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It haw been about, she died in '79.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84; no, it was '83.
Q Is she dead? A Yes, sir.

Q When did she die? A '91.
Q Was she a Cherokee freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now, your present wife, has she any right to enrollment of her own, or only by right of marriage? A Only by marriage.
Q Give me the names of your four children? A George Vann,
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is James? A 14.
Q Give me the name of the next child? A Cull.
Q How old is Cull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva? A She is 11.
Q That is all is it? A Yes sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Cull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?
A Yes, sir, but it is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q Where is he? A He is out here, George Lynch, that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1852.
Q What is your post office? A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant, here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him about 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years?
A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why, I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember?
A Well, sir, the first time, I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I got back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married then; he married during this last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I learned she went by the name of Mattie, Smith before he married.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she? A Yes, sir, she is dead.
Q You have no personal knowledge of his ever having married before he married Mattie Smith? A If he did I didn't know it.
Q Did you know Mattie Smith during her lifetime? A Yes, sir.
Q Did you know her as this man's wife? A Yes, sir.
Q Are not you one of his witnesses on his marriage certificate?

A Not as I know of; I knew he married some time after that at that time; I know he married, they stayed at my house and his wife was my wife's sister at that time.
Q Do you mean this wife's Mattie, was a sister of your wife?
A Yes, sir.
Q Well where did he and this woman Mattie marry? A Well now I will tell you gain, they married at my absence and I would like to be positive if I tell that, I don't know.
Q Where were you when they married? A I, as well as I remember, was traveling with a show.
Q You don't know where they were married? A I was gone away about a year and come back.
Q You don't know where they were married do you? A Well I tell you I don't was notpositive.
Q Do you know how long they lived together as husband and wife?
A Well, as well as I can remember it was somewheres in the neighborhood of ten or eleven years, as well as I can remember.

JOSH VANN, the applicant, recalled:

Q You say you have a certificate of marriage to that last woman?
A Yes, sir, and I will produce it, but I haven't got it here.
Q What was the name of this woman, Mattie, before you married her?
A Mattie Smith.
Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.
Q Was she ever married before she married you? A Yes, sir.
Q How many times? A Once as far as I know; I don't know only what she told me.
Q Was that husband dead when she married you? A yes, sir.
Q How long has your mother livedin the Cherokee Nation?
A All her life, only what time she was out as I understand.
Q All her life except a while during the war and little after?
A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his father or mother not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examined and applicants' names and those of parents of applicant not found thereon.

Q Was your family on the roll of 1896? A I don't know.
Q You are not? A No, sir.
Q Where was George Vann born? A Born in Delaware District.
Q Where was James born? A Delaware District.
Q And Cull and Eva? A Same, Delaware District.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3853, Josh Vann, Cooweescoowee district.
Page 156, #3852, Susan Pee or Vann, Cooweescoowee Dist.
Page 158, #4032, James Vann, Cooweescoowee district.
Page 162, #4033, Cull Vann, Cooweescoowee district.
Page 163, #4034, Eva Vann, Cooweescoowee.

Q Who can that George Vann be 50 years of age there?
A I can't know; there has somebody made a mistake.
Q There is no other George Vann of your family? A No, sir.

Page 163, #4031, George Vann, Cooweescoowee District, 50 years of age.

Q Are you on the Wallace roll? A Yes, sir.

The W Allace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon , page 146 , #5038, Joshua Vann, Cowweescoowee District.

APPLICANT: Wasn't any of them (Children) enrolled on the Wallace roll.

Q You were carried to Kansas were you during the war? A Yes, sir.
Q When were you taken there? A Well, I can hardly remember.
Q When did you come back? A We come back along in the summer as well as I can remember of '66.
Q In the summer of 1866? A Yes, sir, it was warm weather.
Q Were you a slave in the Cherokee Nation when the war broke out?
A I guess so, my mother was.
Q To whom did she belong? A Joe Vann.
Q Was your father a slave? A No, sir.
Q He was a noncitizen was he? A No, sir, he wasn't a non-citizen
Q Was he a Cherokee Freedman? A No, sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
Q Were he and your mother regularly married? A No, sir.
Q Are yo8 the only child of his? A Yes, sir.
Q Your mother has other children? A Yes, sir.
Q Has she children by the name of Pee? A yes, sir.
Q How many children has she of that marriage? A Had four, there is two living.
Q How does it happen that you are not on the roll of 1880?
A I could not tell you.
Q Where were you at that time? A On Grand river.
Q How does it happen that your mother is not on the roll of 1880?
A I could not tell you that, they just didn't put us on.
Q Do you remember of having applied for enrollment if 1880?
A Yes, sir.
Q And what did they say to you? A They didn't say anything, only just taken our names, taken all the names.
Q Did they refuse you at that time? A No, taken our names, I don't know what he done with them.
Q That is all you know about it? A Yes, sir.
Q How does it happen that you are not on the roll of 1896?
A I was not here.
Q Where were you? A I was up in Kansas.
Q What were you doing up there? A I was working part of the time.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your stepfather's name? A Charley Pee, one of them was named Charley Pee.
Q Where was he and your mother married? A They was marriedin Kansas.
Q During or after the war? A It wa right awy after the war.
Q After peace was declared? A Sometime about that time.
Q Yo8 remember that? A I remember a little about it, not a great deal.
Q You remember when your mother was married? A Well, yes, sir, I remember something about it.
Q About how old were you when the war closed? A I guess thatIwas about eight or ten years old, I don't knowmy age exactly.
Q What was the oldest child's name that your mother had by your step father, Charley Pee? A Lettie.
Q Was Lettie older than Jesse? A No, sir.
Q Was Lettie younger than Martha? A No, sir.
Q Then Jesse andMartha are not children of your mother by Charley Pee? A No, sir.
Q Is Lettie living? A Yes, sir.
Q Where does she live now? A Vinita.
Q Is she married? A Been married.
Q How old is she? A I would think she is about 32.
Q Where was Lettie born? A She was born in the Cherokee Nation.
Q Where? A Up close to the line of Kansas.

Q Do you remember going back with your mother after the war?
A I remember a little about it.
Q How did you return to the Cherokee Nation? A In a wagon.
Q A horse wagon? A Yes, sir, we had a mule team.
Q Did you have more than one team? A Yes, sir, we didn't have but one wagon though.
Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more than one team.
Q Did you bring them along with you? A Yes, sir.
Q Did any others besides your own family come back with your step-father and mother, any other colored people I mean?
A Why, there was another family come down when he first come down there before he come and got us, when mother and us come he come and got us, there was not anybody come with us then at that time.
Q He come down here then first, before you and your mother?
A Come a little while before we did, he come in the spring.
Q And he came back after you and you all came in the summer following? A Yes, sir.
Q Now to what point in the Nation did you return? A Down here on Russell Creek.
Q How far from Chetopa, Kansas? A About three miles, maybe a little more.
Q You located there that summer? A Yes, sir, we stopped there that summer.
Q Built a house? A Built a little shanty in the fall like.
Q How long did you remain there at that place? A We stayed there that winter.
Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.
Q What did you do during that summer and winter? A I didn't do anything.
Q What did your step-father do? A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.
Q Did you have any neighbors up there?
A Not as I know of.
Q You never saw any at all? A No, sir.
Q Did you raise any crop? A No, s
Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have stold it, I don't know.
Q Did he ever go up to Chetopa? A Wasn't any Chertopa.
Q About how far from where Chetopa now is, I think you answered it a while ago? A About three miles.
Q On which side of the M. K. & T. railroad, east or west?
A It is east of the M. K. & T. railroad.
Q About how far? A About two miles and a half or three miles.
Q Do you know who owns a farm up where that is now? A No, sir, I don't.
Q Well what did you do, leave there? A Why we went the next spring back across there in the States.
Q In Kansas? A Yes, sir.
Q What part of Kansas? A We went over there where Chetopa is now and from there across the river, crossed the river on the other side, what is called Netural land, or something of that kind.
Q About how far from Chetopa? A About two miles and a ~~hxxf~~.half.
Q North? A Northeast.
Q Well, how long did you stay there? A Stayed that summer and until fall like and then we come back to Russell Creek.
Q In the fall of '67 you returned then to where you had been previous to that? A Yes, sir.
Q How long did you live there? A We lived there that winter a part of the winter and we went back over across the line.
Q That was sometime in the winter of '67? A I think it was.
Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.

Q All the year of '68 and then when did you return to the Cherokee Nation? A We stayed there until the fall or winter of '68 I think, I ain't sure now, and then we come back to the Nation and moved down on Verdigris.
Q That was in '69? A I think so
Q Well, now, to what point on the Verdigris did you come then?
A Right where the Creek line crosses the Verdigris river.
Q Well, how long did you remain there? A Stayed there one winter.
Q Where did you go from there? A Moved on Grand river.
Q And that must have been about the year '70 or '71? A Somewhere along there.
Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake.
Q In Saline district? A No, sir.
Q On the west side of the Grand river? A Yes, sir.
Q How long did you stay there? A About a year.
Q And then where did you go? A Up on Grand river in Delaware district.
Q And that was '72 or '73 was it A '72 I believe.
Q Well when did you go back to Kansas after that? A I went every once in a while.
Q Well when was the first time you went? A I went back to Kansas and herded cattle for a man in '72.
Q On what place? A Right at the head of Russell Creek.
Q How long did you stay up there? A I stayed up there that one summer and winter.
Q You were marriedup there the first time? A No, sir.
Q Where were you married the first time? A On Grand river.
Q When was that? A In '75 Ibelieve, somewhere along there.
Q Who marriedyou? A Colored preacher.
Q What was his name? A Named Fred Martin.
Q Did your mother ever go back to Kansas after she moved down on Verdigris river as you stated about '69? A No, she didn't go back from the Verdigris.
Q I mean did she ever go back to Kansas after that time?
A Oh, yes, she has been back to Kansas.
Q When did she go back after that? A She went back in, it was '69 or '70, I don't remember.
Q Where did she go? A Chetopa.
Q How long did she remain up there at Chetopa at that time?
A Not a great while, I don't k think.
Q [illegible] About the best of your judgment? A Well she has been back there several times, she would go there and workl but I don't remember just how long she did stay.
Q As much as a year ot two? A No, sir, she didn't stay that long.
Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you we movee up here on Grand river about '72.
Q Make a place up there? A Bought a little place up there.
Q You were marriedonce in Kansas were you not?
A Married twice in Kansas.
The second and third times? A Yes, sir.
Q When were you married in Kansas? A '97
Q That was not the second time was it? A I marriedin '83.
Q Where were you married in Kansas? A In Marion County, Kansas.
Q Where is that, how far from Kansas City? A About 175 or 200 miles by rail.
Q Did you marry a State raised woman? A Yes, sir.
Q What were you doing up there? A I went up there to work.
Q How long had you known your se ond wife before you married her?
A About four months.
Q Where did your wife die, second wife? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month
Q When did she die? A Died in '91
Q Now you married your third wife in Kansas? A Yes, sir.

Q What place? A Newton, Kansas.
Q How far is that from Marion? A About 25 or 30 miles west of Marion.
Q Your second wife was State-raised? A Yes, sir.
Q How long have you known her before she married you?
A About a year.
Q Is she alive? A Yes, sir.
Q When did you come back from Kansas this last time? A Come back in July.
Q This last July? A Yes, sir.
Q You don't know where you got provisions to eat there when your step-father went back to Kansas after the war?
A That is the only place we could get them.
Q You had no neighbors around you to get anything to eat of?
A No neighbors there.
Q No neighbors to work for? A No, sir.
Q What did you build your house out of, logs? A Logs, poles.
Q Covered it with poles? A Yes, sir.
Q One log house was it? A Yes, sir, one log roomed shanty.
Q Was there a road anywhere near you, big traveled road; how far were you crom the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.
Q And this old road thar runs through this country up there.
A That would be pretty near est as nigh as I would know about it, I never traveled that old Military road only from along the line coming fram Baxter Springs.
Q Have you any children of your last wife? A No, sir.

By Commissioner Breckinridge:

Q How many children you say your mother has by her husband, Pee?
A Four.
Q Where were they born? A In the Territory.
Q All of them born in the Territory? A Yes, sir.
Q Your wife, Mattie, you stated died in Kansas? A No, sir.
Q Where did she die? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q Had she been all her life up in Kansas before that? A No, sir.
Q How much of her time had she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the ne xt March, '94.
Q Did she go back to Kansas after you married her? A She went back to visit her mother.
Q Did she spend much of her time in Kansas? A Two months.
Q Is that all the time she spent in Kansas during her marriedlife to you? A Yes, sir.
Q Where is your presen wife at this time? A She is in Kansas.
Q How long has she been in Kansas? A She went there last Fall.
Q You spoke of coming from Kansas last July? A Yes, sir.
Q Have you been here ever since you came from there?
A Until last February, I have got my children up there going to school.
Q How long had you been in Kansas until you came in July?
A Off and on ever since '95.
Q Do you keepa house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.
Q Where are your children now? A They are there going to school, I sent them up there last December.
Q Are you farming up there in Kansas? A No, sir.
Q What are you doing in the Territory, whatbusiness are you doing? A I work, me my own place, when I am here.
Q And when you don't do that what business are you engaged in?
A Working.
Q When you are not here where do you go? A To Kansas sometime.
Q What kind of business do you follow up there? A Doing public work.

Q Is that the kind of business you do up there? A Opening stone quarries.
Q Have you ever been called upon to vote up there? A No, sir.
Q Have you ever voted for Congressman, Prseident, or Governor?
A No, sir.
Q Never voted for any office at all? A No, sir.
Q Where is your mother at this time, on her place in the Territory?
A She is in Vinita sick.
Q What part of her time has she spent in Kansas, since the war closeed? A Why she ain't spent a great deal of it, I can't tell you how much.
Q Anything like half of her time? A No, sir, not one-fourth of it.
Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir; after I married I moved my wife back, I went up there in the spring of '83 and stayed until March and come back, that is in March, '84, and come back and remained here until '95.
Q Remained here all the time? A Yes, sir.
Q Didn't go out of the Cherokee Nation at all? A Well I went up thereto visit hermother once; stayed a month; about '95 I had reason for going.
Q Well, where have you lived since '95? A I have stopped there part of the time with my wife and the other time when I had a chance I come back down here, slipped around in here, I got into a little trouble.
Q Little difficulty? A Yes, sir.
Q When did you get out of that diffuculty? A Ain't never got out of it.
Q You were scouting from 1895 on were you? A Yes, sir.
Q Haven't been in the Cherokee Nation all the time after the last July? A Up until Febrary when I went out.
Q Now from 1895 to the last July, were you up in Kansas all the time except when you would slip in? A Yes, sir, only when I would slip in.
Q Is there any other testimony you want t introduce?
A Yes, sir.

J. O. Rosson, being furst duly sworn, states that as stenographer to the Commission to the Five Divilized tribes, he corrrectly recoreed the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 29th day of May, 1901.
(Signed) C. R. Breckinridge,
Commissioner.

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Josh Vann et al Continued May 23, 1901.

(Former portion taken by stenog. J.O.Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation?
A I was born and raised in the Cherokee Nation.
Q Have you lived here all your life? A Yes, sir.

Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A I have known him about thirtyn years I reckon, personally.
Q Do you know his mother? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and say no, not now.

Examined by Cherokee Representative, W. W. Hastings:

Q Where has Josh Vann been living for the last 30 years?
A I could't tell you where he has been all the time; he lived down there about Tan Yard Ford most of his time I think.
Q Where do you reside now? A I reside here in Vinita.
Q Where does Josh Vann live now? A I couldn't tell you where he lives now.
Q How many times has he been married ? A I don't know.
Q Where was he married the last time? A I couldn't tell you.
Q You know that he is living in Kansasnow and has a wife up there?
A No, sir, I don't know that.
Q Do you know that he is living in the Cherokee Nation? A No, sir, I couldn't say, only I have seen him there.
Q When? A All this spring.
Q How about last year? A I never saw him last year.
Q How about the year before A Well, I don't know that I saw him the year before.
Q Have you seen him since 1895 up to this spring?
A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as followw:

Q Give your fulll name? A Arthur Bean.
Q How old are you? A 58.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation?
A All my life time pretty much.
Q What part of your life have you sen out of the Cherokee Nation?
A I don't know what time; along in '62 or 3, I guess about then I was out.
Q You were never out excep t during the war? A No, sir, I was out then.
Q Are you acquainted with the applicant here, Josh Vann? A Yes, sir.
Q How long have you been personally acquainted with him?
A I have known him pretty much all of his life time.
Q Well, did you know him during the war? A No, sir, I knowed him before the war; I didn't see him during the war.
Q You knew him before the war? A yes, sir.
Q Was he a slave in the Cherokee Nation when the war broke out?
A Yes, sir.
Q When did you first meet him after the war was over?
A After the war was over I met him up on Russell Creek is the firwt time I met him after the war.
Q In what year was that? A That was in '66.

Com'r Breckinridge, to applicant: Do you want to ask this man any qu estions in your own behalf?
Applicant: No, sir, not now.

Examined by Cherokee Representative, W. W. Hastings:

Q Art, ain't you a disputed citizen? A Yes, sir.
Q Your name is not on the roll of 1880? A No, sir.
Q W ere was the applicant, Josh Vann, living,-how was he living, was he living in a house when you first saw him after the war?
A Yes, sir, kind of an old log house.

Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake not.
Q Were you ever tried before the Courts for anything?
A Not in my life, I never was before no Court but the Clifton Court; that's about all the court I ever was tried in.
Q Who was with Josh Vann when you first saw him?
A X Aunt Sukey, his mother, and two more children I know.
Q What were their names? A Jess and Martha.
Q was herhusband with her? A Yes, sir.
Q What was his name? A Named Pee.
Q Charley? A Yes, sir.
Q About what time of the year was it you saw them? A Along about December I guess.
Q December of '66? A yes, sir, I guess along about, close on to Christmas.
Q You were coming down this way? A No, sir, I was up in that country.
Q Just went up to see them? A No, sir, not particular to see them, I was up looking at that country, me and several of the boys.
Q Who was with you? A Me and Art Tyner and Bean, Joe Bean.
Q What were you doing up there? A Just looking at the country.
Q How far was that from where you lived? A Forty miles I guess, maybe further.
Q Did they have anything to eat up there? A I guess they did, they couldn't have stayed without something to eat.
Q Did you eat with them? A Yes, sir, such as they had, and that wasn't very much in them times.
Q Had they made any crop up there? A No, sir.
Q You don't know how long they had been there? A No, sir.
Q Did they tell you how long they had been there? A No, sir, they didn't tell me anything about that.
Q You didn't ask anything about their past whereabouts? A No,sir.
Q Didn't you go on up to Chetopa and trade then? A No, sir.
Q Why didn't you; you were there near? A There wasn't any Chetopa in there.
Q You remember that from five years ago don't you Art?
A What's that.
Q That there was no Chetpa in '66 there? A I never did say that.
Q After you were excused a while ago you went out down there to that white tent younder? A Yes, sir.
Q You took Cap? A Not particular, he went there; I went there with him.
Q After consulting, you called Al Lynch, didn't you? A Yes, sir.
Q And you all went around there to consult? A Yes, sir.
Q What did you talk about? A Oh, that was our busine s.
Q Did you talk about this case? A No, sir, that was our business around there, Mr. Hastings.
Q Did you talk about this case? A Nor particular.
Q What did you say about it? A I don't have to tell my secrets you know.
Q You did talk, after you were dismissed and put under the rule, you got all three of you together and talked about this case?
A Yes, sir, we talked about it; you sent us off, and we have got the privilege to do as we place out there, you know, Mr. Hastings.
Q Did you all three agree that you had seen them in '66?
A No, we made no agreements about that at all.
Q Did you all among yourselves say you saw? A No, we never made no agreements about that.
Q Did each of these witness there of his say you had seen these parties in '66? A We talked about the case, but we didn't say anything about no '66; I told them I knew Josh in his childhood and I knowed all of his folks.
Q And the rest of the boys knew the same thing? A Cap didn't know a thing about it, he being too
q Did he know him in '66? A That's what he said, I suppose.

Q He told you that out yonder a while ago? A He told that in here I guess.
Q Well he told you that out yonder? A Well I told you a while ago I didn't have to tell my secrets; you are a secretorder man ain't you.
Q Wel , how long did Josh and his mother and step-father live on Russell Creek? A I couldn't tell you.
Q When did you next see them? A Down on the river, about '68.
Q About how many years after you saw them up there? A I don't know how many; not very many years.
Q Do you think it was the next year? A They went down below, I heard they went down below, I don't know anything about that.
Q When did Josh tell you that? A He never told me at all.
Q Did he tell you that to-day? A He never told me that at all. I heard they went down about the old salt lick below.
Q But you think it was about '68 when they came down to the river near you? A I guess it was about then.
Q Ain't you positive? A No.
Q Why is it you are positive when you saw them first and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
Q You think it was about 2 years afterwards? A Yes, sir.
Q To your best judgment? A Yes, sir.
Q They were neighbors to you in '68? A Yes, sir.
Q Has Josh been living there ever since? A Yes, sir
Q You swear that? A Yes, sir.
Q Has he ever been married? A Yes, sir
Q What was his first wife's name? A I don't know sir.
Q Was she a state raised or a Cherokee? A I don't know; I know he had a woman there as his wife, I didn't make no inquiry about that.
Q Was he married a second time? A Yes, sir, I suppose he was, that's what I hear.
Q Where was he married? A I don't know where he was married the last time.
Q Where do you live now? A I live on Grand river.
Q Does Josh live down there by you? A He lived above ma a ways.
Q About how far? A I guess abouy eight miles, above where I live.
Q You see him frequently? A Yes, sir
Q What does he do down there? A I don't know sir, I guess he tries to farm like the restof us.
Q Did he make a crop this year? A I don't know sir, I haven't been up there.
Q Did he make one there last year? A I couldn't tell you; I don't think he did.
Q Did he make one there the year before? A I couldn't tell you that either; Josh was out awhile.
Q When did he go out? A Oh it has been I guess a year or two ago
Q Now give us your best judgment as to when he went out, if he did go? A I am giving it to you, best I know.
Q You think it was about two years ago? A Yes, sir, he got into so me trouble, that's about as near as I can get at it.
Q About 2 years ago? A Yes, sir.
Q To your best judgment how long was he gone? A I don't know just how long he was gone; it slipped my remembrance how long Josh was out.
Q When did he come back? A I think it was along sometime about July, if I ~~knows~~ make no mistake.
Q That he came back? A Yes, sir.
Q Been here ever since? A Yes, sir.
Q You swear that? A Yes, sir, I have saw him f requently ever since.
Q Is he married now? A Yes, sir, I suppose he is, I heard he was.
Q Where is his wife? A I don't know sir.
Q You haven't seen her? A No, sir, I just hear he was married.

Q you don't know where he was married? A No, sir
Q You didn't hear he was married in 1897 up in Newton, Kansas?
A No, sir, I made no inquiry.
Q You didn't know he had been up in Kansas six years our of here? A No, sir
Q Did all of these people that you mention go up in Kansas at that time, in '66 A Me and George Eaton and amontst us.
Q Did these people have any horses at that time? A They had a little pony team.
Q That's all you saw? A Yes, sir.
Q No cows? A No, sir, I couln'd see no cows.
Q Al Lynch wasn't with you when you went up there at that time?
A No, sir.
Q Cap Hicks wasn't with you? A No, sir.

Com'r Breckinridge, to applicant: Any question now that you want to ask in your own behalf? A Applicant: No,sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name. A Allen Lynch.
Q How old are you? A I am 61 years old.
Q What is your post office? A Vinita.
Q How long ave you lived in the Cherokee Nation?
A Well, about all my life.
Q Are you acquainted with the applicant here, Josh Vann?
A yes, sir.
Q How long have you known him? A I have known him ever since a little boy.
Q Did you know him before the war broke out? A Yes sir.
Q Have you known him ever since? A Yes, sir.

Com'r to applicant: Any question you want to ask Allen Lynch in your own behalf? A Applicant: No, sir.

Exa ined by Cherokee Representative, W. W. Hastings;
Hastings: I don,t care to ask him any questions.

Com'r Breckinridge to appllicant: Any particular point you want your witness to testify on?
Applicant: Yes, sir, I would like to know, what I have intorduced the witness for was to prove when I returned back to this country.
Com'r: You want to interrogate him yourself? A No,sir.

Com'r Examined witness:

Q Where was Josh Vann during the war? A In Kansas.
Q Did you see him up there? A No, sir, I never see him in Kansa; I saw him when they went there.
Q When they were going there you saw them? A Yes, sir.
Q Where did you first seehim after the war closed?
A Saw him up here on Russell Creek.
Q How far was that from the Kansas line? A Well, judge, I don't know exactly where the Kansas line was the, but it is about six or seven miles south of Chetopa now.
Q When was it you saw him there? A I saw him there along in August or September, in '66; I couldn't tell you just exactly the time.
Q Were you living up there yourself at that time? A No, sir.

Q What was the occasion of your being there? A I went up there to drive some cattle for a man, some steers that a whie man come and traded to Bill Foreman, traded some tin-ware, and he got me to drive the cat tle.
Q Was anybody along with you? A Oh yes, me and this man and two white men.
Q That was the party? A Yes, sir.
Q How did you heappen to meet this man Josh Vann? A We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.
Q What do you know about him since that tike? A I know he has been around here in the country.
Q Where did you next see him after that time? A I don't know next time I saw him whether I saw hi m on Grand river or whether I saw him at Chetopa after Chetopa commenced; I don't know exactly.
Q What can you say of a definite character about having seen him or where he has lived? A He lived with me three or four years and lived right there in the neighborhood.
Q When was that? A I can't tell you jjst exactly the ti e, but him and his family, it was he had that Mattie, they lived there on my place.
Q That accounts for four years; can you mention any other period that you have personal knowledge of him in? A He has been here ever since that on until he ot into this trouble, and I don't know where he went.
Q was he living with you? A No, sir, he was right around in the neighborhood until he had that trouble.
Q Where was he staying in the neighborhood? A Right there in the neighborhood where his mother is living now.
Q Was he staying on a place of his own? A On his mother's place.
Q Has he ever had a place of his own, or always lived with his mother? A I think he has always lived with his mother only when he lived with me and with Tobe Lynch a while.
Q You don't know how far back he li v d with you? A It must have been 13 or 14 years; it had been about two years since heleft me place I guess.
Q And since that he has lived at his mother's place? A Yes, sir.
Q All the time? A No, he has been gone two or three years.
Q Well but down to this absence that took place of late years?
A Yes, sir; he may have lived in town a year; I don't know; his wife died here in town.
Q How far is his mother's place from where you live?
A About three miles.
Q How did he make his home cont9nuously at his mother's place from the time he left your place until he went on that stay some years ago? A No, sir, I think e lived with Tobe Lynch 2 years.
Q So he lived with his mother with that exception did he? A Yes, sir. To the best of my knowledge about it.
Q How many times has he been married? A I think he has been married three times; I know, three times.
Q Did you ever see his first wife? A Yes, sir.
Q Did you ever see his present wife? A Yes, sir.
Q Where did you see her? A I hauled her out there here about two months ago, out there to his mother's, it must have been three monahs, or two months, somewheres along there; it has been two or three or four months ago.
Q Where is she now, do you know? A No, sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Al, how far did you live from Josh when the war come up?
A Well it must have been 15 miles, maybe further than that.
Q About how old was he when the war come up? A I don't think Josh was over 6 or 7 years old.
Q You remember seeing him when you stopped up on Russell Creek with his mother? A Yes, sir.

Q you were driving some cattle at that time? A I drove a yoke of cattle up there.
Q Just one yoke? A Yes, sir
Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.
Q When did you drive the cattle to? A I went up as far as Labette and then I returned back; I went up with them men and I come back alone.
Q Did you see anything of these people as you went up?
A I don,t remember; no, I don't know whether I stayed all night with them going or whether it was coming; but I stayed all night with them.
Q How long had they been there? A Well, I don't know, Mr. Hastings, how long they had been there.
Q You know from your converstion, you talked over old times didn't they tell you anything about thier past history of their whereabouts?
A Well, we talked over about how come them there, I don't know whether I ask d them how long they had been there or not.
Q Had a log house did they? A Had a little log cabin.
Q How long did it appear to have been built? A Not very long; had little clapboards on it, new.
Q Had they made a little parch of ground there that year?
A No, sir, none at all.
Q Have any neighbors around near them? A No, sir, not that I know of; my nearest neighbors where I lived was down on Cabin Creek; them is the only golks I saw up there on down here.
Q From your folks up to Kansas that was the only house ~~yyx~~ your passed? A Yes, sir, that was the only house.
Q Was it on the big road? A There wasn't any road up there.
Q just through the prairie? A Yes, sir, paririe.
Q How did you happen to discover this place? A Well we crossed the creek two or three hundred yeards, as near as I can recollect from where they had this house; after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting q couple of pair of mules and they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewheres, and they come in there I suppose to hide from the officers; that's all a pretense, I never asked them about it.
Q How long after you saw them there until you saw them down here near you place, on Grand river? A I coulnd't tell you, it must have been along in '67 or 8, something along there when they moved down in the bottom there, I douldn't tell you exactly.
Q That was on Grand river? A Yes, sir.
Q And near where they live now? A Yes, sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.
Q That was within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.
Q Well, about how long afteryou saw them up there until you saw them on Grand river A Why I jj t couldn't tell you when they moved up there.
Q How many children did Mrs. Pee have at that time? A Had three.
Q She had no children by her last husband, Charley? A If she did I don't remember it; not then, nosir.
Q What three children did she have? A She had Josh and Jess and Martha.
Q After you were excused a while ago you and Cap and Art had a conversation about this case didn't you? A No, we never said anything about this case.
Q Never talked about it at all? A No, sir, I never talked to anybody.
Q Didn't Art and Cap go behind that little white tend yonder and after talking the matter over call you around there?
A They called me around there, but they was asking me about something else.

Q They wasn't talking about this case? A Not about this case; they never asked me about it, something else.
Q You never said anything about the case? A Not that I remember; we were talking about Joe Bean's case.
Q Well you would have remember it it was only a few minutes ago, if anything was said you would have known it now? A Yes, sir.
Q Didn't Cap and Art say when they saw this family up there?
A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.
Q When did he tell you? A He told me she saw them in October or September, '6?, when he was herding cattle.
Q You never saw the Trott house up there when you saw them?
A He never had no house up there.
Q You never saw Albert Morris' coal mine there? A He never had no coal min there then.
Q It wasn't there in '66? A It was there but it hadn't been developped.
Q You know where Hosh married the last time? A He married in Kansas I think; that's what his wife told me.
Q She lives up there yet? A She is up there now.
Q She has lived there all the time hasn't she, since she married?
A Only when she come and stayed across the river as I told you.
Q How long did she stay there? A I don't know; it must have been 2 month, maybe longer.
Q You know where Charley pee and his family got anything to eqt up there on Russell Creek? A They may have got it like the balace of us; we stole it when we got it.
Q Was there anybody to steal from? A Yes, sir, we had lots of cattle and hogs and rabbits and onions.
Q What did you eat when you were up there? A I eat some beef and eat some corn bread, and was glad to get that.
Q They didn't tell you what they were doing for a living?
A No, sir.

APPLICANT, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge:

Q Josh Vann, when you were wscouting for several years from the Cherokee Nation, what was the trouble with you? A Why I got into a little scrape down here at town, there was a fellow got killed, and they accused me of it.
Q Accused you of killing him? A Yes, sir.
Q Is that the only matter you have ever been accused of?
A That's the only one I have scout d from.
Q Have you ever been up before the courrts for any offence, or charge? A Yes, sir.
Q What? A Tried for whiskey and assault and attempt
Q You ever been in prison? A Sent to prison you mean and convicted?
Q Yes? A No, sir, I never was convicted or nothing; I have been indicted in Delaware District Court.
Q many times? A Once only.
Q Have you any more testimony you want to introduce?
A Yes, sir, after you get nearer to where it is I do.
Q But thisis all at the present tije? A Yes, sir.

Examined by Cherokee representative, W. W. Hastings:

Q except for this sickness is your mother farily strong?
A No, sir.
Q does she do her own work? A No, sir.
Q Has she been confined to her bed or room? A No, she is not really confined to her bed, but she had- I don't know whether it is Bright's disease or what it is; If she gets a little bit warm she can't get her breath.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and four children, and for his mother, who he states if old and infirm and unable to apply for herself:

The applicant is identified on the Wallace and Kern-Clifton rolls, but not upon the roll of 1880 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1880, and his mother, who is living, is identified on the Kern-Clifton roll, but upon none other;

The applicant claims to have come to the Cherokee Nation within the time prescribed by the treaty of 1866, and he has introduced considerable testimony upon that point; it appears from the testimony of one or more of the applicant's witnesses that since they were put under oath they have conferred together about this case, and attention shoudl be directed to that p point; it further appears that for the past five years the applicant has been until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony, c nstantly, except when he would come into the Cherokee Nation secretly; it does not appear that he had been engaged in business in the Cherokee Nation except upon his mother's far; he has been married three times, and his present wife, whom he married in Kansas is living, there at this time, with the children, who he states are there attending school; his second wife he married in the state of Kansas, but he states that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee Nation; he married that wife in the year 1883, and she died in the ~~Cherokee~~ year 1891; under these conditions, and referring to the testimon generally, the applicant will now be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

As for his present wife, it appears that she was married once before, but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his to former wives were dead when he contracted his present marriage; there is some personal testimony establisheding the marriage in addition to that of the applicant, but his wife is a state woman, he married her in the state of Kansas, and in the year 1897; so that under the conditions stated it is apparent that she is not entitled to enrollment at this ti,e and ~~the~~ the application for her enrollment is rejected.

As for the four children named in the testimony; they are all four said to be living at this time; they are minors, and are identified on the Kern-Clifton roo ll; it seems that these children were all born in the Cherokee Nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time pappear any question; these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman.

As for the applicant,'s mother, she is identified on the Kern,Clifton roll, but not upon the roll of 1880 or 1896, and not satisfactorily identified upon the Wallace roll; so far as the evidence adduced goes, her right to enroll ent appears to depend upon the period of her return from the State of Kansas, and of course her not being upon the roll of 1880 or upon that of 1896 indicates that she was not admitted to enrollment for some material reason; the testimony is to the effect that she returned to the Cherokee Nation at the time her son died; it is not disputed that she was a slave of the Cherokee Nation at the time the war broke out, and a slave of a Cherokee citizen; she will now be listed for enrollment as a Cherokee Freedman on a doub ful card, and the final decis-

cion of the Commission will be made known to her at her post office address, and as regards the other applications, namely, those for the applicant and his children, the final decision will be made known to him at his post office address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this May 28, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

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N. O. Rosson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

N. O. Rosson

Subscribed and sworn to before me this 16th day of August, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 19 1901

Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 19, 1901.

Mr. D. C. Green,
Muskogee, Indian Territory.

Sir:

You are hereby notified that the Commission to the Five Civilized Tribes has set for hearing and decision in the matter of the contest of Mary E. Brown vs. Allotment No. 705 of Creek freedman Jack Brown, deceased, at 10 o'clock a. m. on the 29th day of August, 1901, at which time and place you will be required to appear and produce such evidence as you may have in support of your application to purchase the land involved herein, and you are further notified that at the same time and place the contestant will be required to appear and produce such evidence as she may have in support of her contest.

Witness my hand and the seal of the Commission to the Five Civilized Tribes, this 19th day of August, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

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Endorsed: Filed Aug 19, 1901.

F. D. 705.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 1907

Ex Com'r Meserve: I want to ask you a few questions.

Ex Com'r Meserve. Was [illegible] ?

Ex Mellette. Yes, sir.

Q. Were you present [illegible] ?

A. Yes, sir.

Q. To the United States Court?

A. Yes, sir, etc.

Q. Must persons to [illegible] ?

(Objected to as leading.)

Objected to by Mr. Dawson.

Ex Mellette. I do not know that they must.

Q. Must persons to whom you issued [illegible] ?

Ex Mellette. The Secretary of the Interior has no authority to issue a patent to any person who is not a citizen of the Cherokee Nation.

Mr. Dawson. The testimony shows, if your Honor please, that the United States Court has jurisdiction over the matter of the issuance of patents to citizens of the Cherokee Nation, and that no action of the Secretary of the Interior can affect the jurisdiction of the United States Court, and that no person who is not a citizen of the Cherokee Nation can be compelled to appear before the Secretary of the Interior

To be filed with case of Lettie Muldrow, C. T.D.#705.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 13th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Josh Vann, Cherokee Freedmen D.#415.

Mellette & Smith, Attorneys for applicant.
James Davenport, Attorney for the Cherokee Nation.

HARRY STILL called and sworn by Commissioner T. B. Needles as a witness for the applicant, testified as follows:

By Mr. Mellette: What is your name? A Harry Still.
Q What is your age? A 64.
Q Where do you live? A Hayden.
Q In what Nation? A Cherokee Nation.
Q Do you know the applicant here? A Yes, sir.
Q Did you know his mother, known now as Susan Pee? A Yes, sir, I do.
Q Did you know her husband, Charles Pee? A Yes, sir.
Q Do you know when his mother, Susan Pee or Vann, returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A When I got acquainted with Charles--when I found Charles it was a out the first part--the first time I ever saw him was in the fall a little before Christmas of '66, on Russell Creek.
Q In what Nation? A Cherokee Nation.
Q You say that was in the fall of '66? A Yes, sir, a little befor Christmas, in the last part of '66.
Q Where was Susan Pee? A She was there too.
Q And she is the mother of this applicant? A Yes, sir.
Q Do you remember if this applicant was a child then or not? A Yes, sir, a boy.
Q Was he along there at that time? A Yes, sir, she had three children at that ti me.
Q And this wa one of them? A Yes, sir, Jess, John and Martha was her three children then.
Q Now since that time have you known this applicant in the Cherokee Nation? A yes, sir, I am the man that moved them away from there.
Q Moved who? A This man here and his mother and brothers and s sters.
Q Moved them from where? A On Russell Creek.
Q From where you first saw them? A Yes, sir.
Q where did you move them to? A Timber Hill, the one near th Creek line.
Q Is there two Timber Hills in the Cherokee Nation? A There is 3 or 4 of them.
Q How long was it after the war that you moved them to Timber Hill? A In '69 I think it was.
By Mr. Davenport: When did you first think of the fact that you saw them in '66? A I have been thinking of it all the time.
Q You didn't testify in her case at Vinita? A No, sir, they never asked me to.
Q They applied there? A Yes, sir.
Q You were there all the time? A No, sir, only one day.
Q You didn't see Susan Pee there did you? A Yes, s r.
Q Was Josh there? A Yes, sir.
Q You didn't talk about what you knew in their case until you came here? A Yes I did.
Q They applied there and then come here and asked you to testify for them? A I didn't know that Josh had applied there.
Q You have been here all the time with the Commission haven't you? A Most of the time.
Q You didn't know where this Pee family went to during the war? A No, sir.
Q Did you know anything about them when they was living at Mapleton after the war? A No, sir.

Q Do you know anything about them living at Chetopa after the war?
A No, sir.
Q You just happened to see them up on Russell Creek did you?
A No, sir, I didn't just happen to see them , I went up there to bury aunt Nancy that died at Timber Hill and found them.
Q You also found the Robinson family there then? A Yes, sir.
Q You found almost ever colored family in that part of the Cherokee Nation when you went tobury your aunt Nancy didn't you? A No, sir, but I had as good a chance to meet up with some of them there as Jess Cochran had to meet up with the people he testified about.
Q And you are patterning after Jess Cochran are you?
A No, sir, I am not, I am telling you what I saw and what I knows and nothing except what I saw and what I knows.
Q Nancy Pee is not on the 1880 roll is she? A No, sir, and I know thereason why, she has been here all the time qnd applied to be enrolled and they wouldn't let her.
Q You were present when she applied were you? A Yes, sir.
Q You remember the time that she applied and that they wouldn't let her get on? A They wouldn't let her prove it at all, they wouldn't let her have the chance, they wouldn't let anybody have the chance.
Q Who was taking the proof at that time? A Chambers and Dr. Miller.
Q And you know that Suckie Pee tried to apply and they wouldn't let her? A Yes, sir, and about 400 others.
Q They let you didn't they? A No, sir, not at first, they tired to make me come back home too, but I ain't the kind to let them run me off and I just up and told them they must try me and they did.
Q You made the Court try you did you? A Yes, sir, I told Daniels that I lived 100 miles from here and that I wasn't going home, that he had to let me have a chance to prove whether I had a right or not, that I w anted to know what they was going to do in my case.
Q And you are the only one they let prove his rights are you?
A es, sir, the only one at that time.
Q When was that? A just after the war.
Q What year? A I showed you my certificate.
Q That was in 1870; was you the only negro that they admittedin 1870 or '71? A Only one at that time.
Q What time of the year was that? A Sometime in the summer.
Q Was it in July? A yes, sir, I think it was.
Q Don't you know that the Webbers was admittedin July of '70 or '71?
A No, sir, they got acared and come back.
Q Didn't Sam Webber apply the first time that he went there to apply
A No, sir, I don't think he did.

APPLICANT, Josh Vann, called and sworn and examined by Mr. Mellette:

Q Were you ever indicted by the Cherokee Courts? A ------

Mr. Davenport: "I orject to this question because if he was the record thereof is the best evidence and should be introduced if it can be found."

By Com'r Needles: "Let it go in for what it is worth."

By Mr. Mellette of applicant: Were you? A yes, sir.
Q For what? A Assault and battery.
Q On who ? A Bert Lynch.
Q Did you have a brother that they called John Davis?
A yes, sir.
Q Where was he born? A On Grand river in Delaware District.
Q Since the war? A yes, sir.
Q Was he the son of your mother Susan? A yes, sir.
Q Was this man Bert Lynch whom you were charged with assaulting a Cherokee citizen? A -----

Objected to by Mr. Davenport.

By Com'r Needles: Let it go in for what it is worth.

By Mellette. Was he? A I understood so.
Q Did you know Hyra Halbrook? A Yes, sir.
Q Were you ever indicted for an assault on him? A Yes, sir
Q Where were you taken? A To Fort Smith.
Q To the United States Court A Yes, sir.
Q What became of that case? A -----

Objected to by Mr. Davenport because the record if the best evidence and should be obtained if possible.

(No ruling by Commission.)

By Mellette of applicant.

Q What became of it? A The jury turned me loose on the ground that they had no jurisdiction.

By Mr. Davenport of applicant. You say the jury turned you loose on jurisdiction? A Yes, sir, and the verdict read "We the jurty find that the Court has no jurisdiction because both the parties are Cherokee citizens."

By Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the indictment, verdict and judgmentof any part of the record of the trial of Josh Vann or Pee at Fort Smith, Arkansas, at the United States Court at that place, for the reason that no action of that court in disposing of that case would not tend to establish the rights of this applicant as to Cherokee citizenship, and thd Cherokee Nation would not be bound thereby, and it would therefore be incompetent and immaterial.

----------09----------

Chas/ von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in fall all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 28th of June, 1901, at Nowata, I. T.

(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete transcript of the original transcript of the testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this 19th of August, 1901.

T. B. Needles

Commissioner.

CERTIFICATE OF RECORD.

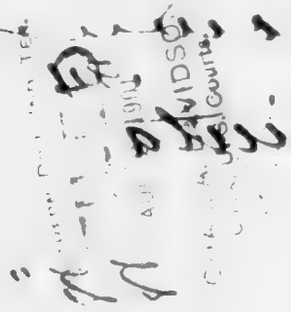
United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of August 1901, at — M., and duly recorded in Book 5, Marriage Record, Page 79

WITNESS my hand and seal of said Court at Vinita, in said Territory this 5 day of August, A. D. 1901

Chas. A. Davidson (Clerk)

By [illegible] Deputy



CERTIFICATE OF RECORD.

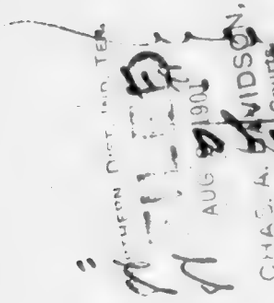
United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 2 day of August 190 1, at — M., and duly recorded in Book C, Marriage Record, Page 79

WITNESS my hand and seal of said Court at Vinita, in said Territory this 5 day of August, A. D. 190 1.

Chas A Davidson Clerk.

By [illegible] Deputy.



Filed
May 20 1903

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

No. 1 103

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Will Browne of Vinita, in the Indian Territory, aged 34 years, and Mrs Lillie Meadows of Vinita, in the Indian Territory, aged 34 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 22" day of July, A. D. 1904

Chas A Davidson
Clerk of the U. S. Court.

By G. A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, L. D. Springer, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 22 day of July, A. D. 1904,

I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 22 day of July, A. D. 1904

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book 1 B, Page 19.

J D Springer Minister
A Minister of the Gospel.

Yes

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.00).

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Lettie Muldrow for enrollment as a Cherokee Freedman.

No. F. D. 705

I, Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D. 1901, he registered to Lettie Muldrow whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Lettie Muldrow, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Starr

Notary Public.

FD 708

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Lettie Muldrow for enrollment as Cherokee Freedmen:

Case No. F. D 705

To Lettie Muldrow Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 27th 190 .

R B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with C.F. D-705, Lettie Muldrow et al.

SUPPLEMENTAL: C.F. D-415.
"5"

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't;
Mr. J.S. Davenport, of attorneys for Cherokee Nation.

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:

BY MR. DAVENPORT:

Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 71.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q Now how long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '66.
Q You had been living before you moved to where you now live up right close to Chetopa; you know the Creek up there they call Russell Creek? A Yes sir.
Q Now how far is it from Chetopa, Kansas, down in the Territory?
A It is about three miles, or little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Old man Trott? A Yes sir.
Q That's the father of W. L. Trott and Oce Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I know of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family named Pee or Vann, Sukey Pee and her family? A No sir.
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I don't know that I know them.

BY MR. MELLETTE:

Q How long is Russell Creek, Mr. Walker? A Well it is about, as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in the Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Neosho.
Q Whereabouts? A Well about something near two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q When? A Trott's house you mean?
Q No, were you ever at the mouth of Russell Creek? A Oh yes, often.
Q When? A I used to fish there.
Q Now when did you move into that country? A On Cabin Creek?
Q Yes? A Fall of '66 I moved there.

Q The fall of '66? A Yes sir.
Q How far is that from Russell Creek? A Well it is about, something near 8 or 10 miles, eight miles anyway.
Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.
Q How do you know? A I have been around that Creek often.
Q You swear that nobody lived in that country in '66? A Trott lived there.
Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin, Oliver Morris built it.
Q I don't care whether there was farms or not, but do you know whether or not there were anybody owned around in that country? A No I don't.
Q You don't know whether they were there or not do you? A No.
Q Now you located up there where you live in the fall of '66? Yes sir.
Q What time? A I couldn't tell you exactly what time; it was in the fall, toward winter.
Q Do you swear that these people were not living on Russell Creek during that winter? A No, I swear I never saw them.
Q But you don't know whether they were there or not? A No sir.

BY MR. DAVENPORT:

Q As I understood you awhile ago you said you were living near Chetopa on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chetopa.

--**--

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 15, 1901.

Notary Public.

Continued from stenographer M. D. Green, at Vinita, I. T. October, 12, 1904

JOSH VANN et al., C.R.D. #15.

W. L. TROTT, being first duly sworn by the Commission testified as follows: (on the part of the Cherokee Nation)
(By Davenport)
Q What is your name? A W. L. Trott.
Q What is your age? A 57.
Q What is your post office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.
Q During the year '66, where were you? A During the year '66 I was on Russell creek in the Cherokee Nation.
Q How far from where Chetopa now is? A Three miles.
Q What were you doing there that year? A Living there improving me a place.
Q You were living with your father that year were you not? A Yes sir.
Q Who owns that place now, the one you improved that year? A I dont know
Q How long did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66,
Q When you went there were there any houses along on Russell creek? A No sir.
Q When you left there were there any houses other than the one you and your father built ? A No sir.
Q How long is Russell creek, how far is it from there it comes into the territory to where it empties into the river? A I dont know exactly, where the head of Russell creek is, but I think it is about six or eight miles from the head to the mouth.
Q Do you know Josh Vann? A I do not.
Q Do you know Snookey Poe, his mother, or a woman that goes by that name? A No sir.
Q Were there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family either colored or white.
Q You were the only family, colored, white or Indians that lived on that creek then? A Yes sir. (By the Commission)
Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.
Q You dont know if any colored people stopped there in the fall of '66 and staid there until the winter of '66 and '7? A No sir I can't tell you what happened after I left there.

J. C. TROTT, being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation-
(By Davenport)
Q What is your name? A J. C. Trott.
Q Where do you live? A Here in Vinita.
Q How old are you? A 62.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where did you live in the Cherokee Nation in '66? A On Russell creek.
Q What other family lived there on Russell creek in '66 except your family? A I dont know of anyone.
Q Were you up and down that creek any? A Yes sir.
Q What other houses were there then? A None.
Q When did you leave that section of the creek? A In the fall of '66?
Q Were there any colored people there in the fall of '66? A No sir.
Q Did you make any improvements there? A Built a house.
Q What became of it? A Sold it, in the fall and moved away
Q Who did you sell it to? A I though it was Denney, but some say Glenn is his name.

Q Have you been there since? A No sir.
Q Do you know of anyone else living on that place up there since you sold ot out and left? A I know of this Dermer or Glenn.
Q Any one else? A No sir, I haven't been acquainted around there since I left.
Q Do you know Josh Vann? A I know him when I see him.
Q Did you know his mother? A No sir.
Q Did your ever see Josh Vann living up there? A No sir.
(By Mellette)
Q You left Russell creek in the fall of '66? A Yes sir.
Q You dont know what colored people were there after you left? A No sir.
Q You don't know who was there in the fall and winter of '66 and '7?
A No sir.

LOUISA STINGER being first duly sworn by the Commission testified as foll ws on the part of the Cherokee Nation:
Q (By Davenport)
Q What is your name? A Louisa Stinger.
Q How old are you? A I will be 58 on the 32d of next May, will be 58 years old
Q What is your post office? A Edna Kansas.
Q How long have you lived in the Cherokee Nation? A Born and raised here
Q What was your maiden name? A Morris.
Q Have you ever live on and about Russell creek, near Chetopa? A Yes sir
Q Did your parents live up there? A No sir.
Q What year did you move into that neighborhood? A Well I can't hardly tell the year, somewheres about '67.
Q What place did you move to when you moved there? A The old Glenn place we bought it from him.
Q Who originally made the place? A They claimed Mr. Trott made it.
Q How old were you when you moved there? A I was about 17 or 18 years old, I was married and had one child.
Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fields lived there close to the creek is all
Q Was there any colored family there? A No sir.
Q Do you know Shookey Fee or Josh Vann her son? A I saw her, not personally acquainted with her.
Q Did you see her on Russell creek then? A No sir.
Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.
Q About what year do you think she moved in there? A Well I cant tell you the year.
Q She moved it there some time after you moved there? A Yes sir.
Q Did she build a house there? A I dont think so.

Q About how far were they living from you? A Half a mile northwest of where I live.
(By Mellette)
Q Mrs. Stinger, you dont mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.
Q Did you go up and down that creek to see who was living on it? A I lived there and know.
Q And you can say positively that there were no colored people camped there around that creek anywhere? A To the best of my knowledge there wasn't any there.
Q You said a while ago that you could not tell the year exactly when you moved there, now you dont know if you was there in '67 or not do you? A I dont know just what year, I don't read or write and cant keep track of the years.
Q Now was it '66, '67, '68, or '69? A I dont know, I have a brother in law that knows and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen the.
Q Russell creek is six miles long isn't it? A No longer than that I guess.
Q How long do you think it is? A Over six miles I think,
Q How long do you think it is? A Seven miles I guess to the head.
Q Did you hunt wild unions from the head to the mouth? A No sir.
Q Then these people might have been there and you not ** see them? A There are others that never saw them there.
Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.
Q And you swear they were not there? A Not to my knowing.
Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a holler log or something like that and he not know it.
Q How far out from the creek did you go hunting unions? A On the bank of the creek.
Q Suppose that they were camped half a mile from the creek, could you have seen them? A I might have.
Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is
Q If you say a man lived on Russell creek, how far does he have to live from the creek? A Right on the banks of the creek.
Q Then if a man lived half a mile from the creek is is not living on Russell creek according to your idea? A No sir.
Q You say these people came there after you did? A Yes sir.
Q Where did you see them? A Half a mile from where I lived.
Q Where were they living? A In a shanty there.
Q How long after you came there did you see them? A Two years after I came there
Q What ~~xxx~~ year was that? A (No response)
Q How do you know it was two years? A To the best of my knowledge it was two years.
Q That is an opinion of yours? A I was living there two years before they came, I dont know the dates of the years and I can't answer that question, if I could I would.
Q You dont read or write and dont know the dates? A No sir, but I know one year from anyther.
(By Davenport)
Q You know it was some time after you came there that they came there?
A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:
(By Davenport)
Q What is your name? A William H. Noble.
Q What is your age? A 51.
Q What is your post office? A Edna, Kanas.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where were you living in '66, in what part of the Cherokee Nation?
A I came on Neosho river between the mouth of Fly and Cherry creeks on what was called Short creek, on the north side.
Q How far is that from where Chetopa is now? A Two and a half miles.
Q Do you know a creek called Russell creek there? A Yes sir.
Q Were you on that creek any in '66? A Yes sir.
Q What houses were there on that creek then and who were living in them? A In '66?
Q Yes sir. A Mr. Trott was there, he built the first house on the creek in the spring of '66,
Q Where there any other houses built there that year if you know--was you on that creek that year? A Yes sir.
Q Any other houses built there on Russell creek that year? A No sir.
Q When was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Harris, that was the next shanty built

Q Was he any relation of Mrs. Stinger,who just testified? A Brother I think.
Q Was that after the Trott house was built ? A Yes sir.
Q Was you on this creek in the winter of '66 and '7? A Yes sir.
Q ~~Was~~ Were there any colored people there then? A No sir.
Q Do you know Shookey Pee? A No sir.
Q Do you know Josh Vann? A I dont know him, I have heard of him.
Q How long did you live in that neighborhood? A Backwards and forwards on that creek from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.
Q Was you back there at that Trott place on Russell creek in '67 or '8? A Yes sir.
Q Did you see any colored people there or any houses that were built there then? A No sir.
Q When did you see any other shanties built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.
Q You married a sister of Mrs. Stinger's ? A Yes sir.
Q Where was she living? A With Mrs. Denney.
Q Where? A On Russell creek.
Q In what house? A The Trott house.
(By Hellette)
Q How long has it been since 1866? A How long?
Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.
Q How long has it been since 1866? A Way up in 40 odd years.
Q Forty how many years? A I can't tell exactly, unless I count it up.
Q Take your pencil and figure out how much it is ? A I cant figure how much it is, not much on figures anyway and then I havent my glasses with me to see the figures after I make them.
Q Well let's have it now, how much is it? A Six—this is '91—let's see, 44 years wouldn't it, I cant count it out right in my head.
Q You were passing up and down that creek from the mouth to the head every month or two? A From '67 I was was, pretty near every month up and down there.
Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the e,or that you might not recollect having see now at this time? A Not at that time, families were scarce then.
Q Do you swear that they couldn't have been there? A No they couldn't
Q And you will swear that the family of Shookey Pee was not there in the winter of '66? A Yes sir I do.
Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell creek? A (No response.
Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '66 was Shookey Pee there? A No sir she was not.
Q Where were you living 35 years ago? A I believe I was living in Kandas then.
(By Davenport)
Q You came from Kansas to the Territory? A Yes sir.
Q What section of the Territory did you come to from Kansas? A On Cabin creek.

(Witness William H. Noble here desires to make a correction in his testimony)
(By the Commission)
Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my ming wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '66 and I mean that it is 35 years from that time till now.
(By Mr. Smith of counsel for applicant)

(By Smith)
Q How long do you say it was, now? A 35 years.
Q How do you know? A It was '66 and now it is '91 that is 35 years ,I said 40 odd years in place of 35.
Q Didn't you say 43 years? A I dont believe I did, I might have.
Q Who did you get to figure it out for you? A I didn't get no one, I had it figured out before I left the stand but did not know that I could correct it, and when I went down stairs Mr. Davenport told me that I could and so I am doing it.
Q Where were you when the war closed? A I was in Louisville Kentucky.
Q What month were you there? A I took my discharge there.
Q What month did you get it? A I cant tell you, I have it at home .
Q You dont know when you got your discharge? A I cant tell it just that way.
Q When did the war close? A Closed in--I cant speak that,you throwed me again there.
Q You dont know? A No sir.
Q You dont know anything about '66 do you? A That was the year I came from Kansas to the Territory.
Q You cant give any other date except '66 can you? A Yes sir I can give some other dates.
Q How long had the war been over when you came down here from Kansas? A Two years , I had been discharged two yars when I came.
Q Then you came here two years after the war? A Yes sir, when I was discharged.
Q Well you wasn't discharged until after the war closed was you? A No sir
Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.
Q You didn't get to the Territory then until in '67? A Got here in '66; I left Iowa in March '66.
Q Did you come to Chetopa before you came here? A Yes sir.
Q What was there? A Old Dr. Lyle lived there, and called it Chetopa.
Q Was there any stores there? A It is still there yet, yes sir.
Q I asked if there were any stores there at that time? A Log shanty.
Q Store? A No sir.
Q Did you ever get a into any trouble there at Chetopa before you came here with a man named Gage? A I dont think I did, I dont recollect the man, or the name.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Cattle stealing.
Q Where? A Here in the Territory.
Q When? A About 4 or 5 years ago.
Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker for it and the Grand Jury didn't find a bill against me.
Q Were you ever arrested before that? A I dont think I was.
You would be apt to remember it if you had been wouldn't you? A If I was I dont know it.

This will also be filed and made a part of the record in Cherokee Freedman doubtful cases D-416; D-666; D-705; D-725, R-94 and R-122.

Chas. von Weise, upon oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 14th of October, 1891

Commissioner.

Motion Picture

"Cut!" [illegible]

"Just a minute, [illegible] I'm afraid I'm going to have to ask you to do it again. I'm sorry."

[illegible] "Why?"

"Traffic noise. [illegible] a bit."

"Traffic noise? But we can't do it again. We've got to get this in the can. We've got a schedule to keep. We've got to get to the Courthouse and [illegible] to the Criminal Trial Court Building before 4:00 o'clock. We've got to get this scene in the can

File with C. F. D-706.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:
Mellette & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewheres about '80.
Q Well how long did he live in that country after you got acquainted with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when you got acquainted with him? A No, sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sukie, if I don't forget it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Ross.
Q Well now was he living with her when he left that country? A No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '66 or '67.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q Well, do you know whether or not he married after this wife died?
A I couldn't say as to that; he left there, all of the Peas left there.
Q What other members of the Pea family were there that you knew?
A Well, there was his uncle Ben Pea, and his mother, Millie Pea, and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie Pea, that amounted to the whole family.
Q And his wife died either in '66 or '7, this Susan Pea? A Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live--- A At Mapleton, Kansas, Bourbon County, Kansas.
Q How long have you lived there? A I have been in Mapleton ever since '81, December, '81.

Q After you went to Mapleton did you get acquainted with a colored man by the name of Charlie Pea? A I did.
Q About how long had he been there before you got acquainted with him? A Well now I don't remember how long he had been there, about '66 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Pea, he was a blacksmith.
Q That is the old man or Charlie? A No, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Pea, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '67.
Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but that he didn't marry there.
Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Pea's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Pea? A I know the whole family of Peas, the old man, and well, there was Ben and the old lady that lived--there was his sister,--now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Mapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 48 years.
Q Well, did you know a colored man by the name of Charlie Pea there about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Ross.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made part of the record in the following Freedman cases: D-416, R-84, D-866, D-705 and D-725, in addition to the case at bar, D-415.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur L. Ensminger

Subscribed and sworn to before me this 16th day of April, 1903.

F. G. Reuter

Notary Public.

"Mr. Bell, I'm afraid we're going to have to postpone our meeting. Something has come up."

"Oh, no! Not again!"

"I'm afraid so. Can't be helped, though. Duty calls."

"Where are you going this time?"

"Washington. Have to testify before a Senate committee. Can't say more than that."

"Well, I suppose we'll have to put off our meeting until you get back."

"Yes, I'm afraid so. Sorry to disappoint you, but it can't be helped."

"Oh, that's all right. I'll be glad to wait. Hope you won't be gone too long."

"Thanks. I'll be back as soon as I can."

(elapsed)

"Mr. Robinson?"

"Yes."

"Mr. Bell is here."

"Send him in."

"Good morning, Bell. Sit down. Have a cigar?"

"No, thanks. I've given up smoking."

"Oh, yes, I remember. Well, what can I do for you?"

"I'm here on official business. I have a subpoena for you to appear before the Committee on Interstate Commerce."

"Subpoena? What's it all about?"

"I'm not at liberty to say. I'm merely the messenger

File with F. D. 705, Lettie Muldrow et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I T,, MAY 31, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and children as Cherokee Freedmen. Testimony in behalf of applicants.

Applicants appear by Melette & Smith;
Cherokee Nation by W. W. Hastings.

THOMAS H. MOORE, being sworn and examined, testified as follows:

BY MR. SMITH: State your name? A Thomas H. Moore.
Q Where do you live? A Ketchum, on Grand river.
Q How old are you? A Fifty years old.
Q Do you know Susan Pee? A Yes sir.
Q How long have you known her? A The first time I saw her was right away after the war.
Q Where was it you saw her? A Saw her on Russell Creek.
Q In what Nation? A Cherokee Nation.
Q What year? A '66.
Q What time in the year? A In the fall.
Q What was she doing there? A She lived there.

W. W. HASTINGS: How old are you? A 50 years old.
Q How old were you in '66?
A I was about 16 I guess, somewhere along there.
Q You were going to school in Kansas then were'nt you? A No sir.
Q You are not on a straight card yourself are you? A No sir.
Q You are a doubtful colored person? A I guess so.
Q Who was Sus an Pee living with when you first saw her? A She lived on Russell Creek and with her children. Her husband do you mean? Her husband was Charley Pee.
Q You did'nt see him at that time? A No sir.
Q Was he there? A No sir.
Q Where was he? A I don't know.
Q Did'nt they tell you where he was? A I stayed there all night.
Q Did'nt you hear them say anything about him? How long had she been married to Charley Pee? A I don't know.
Q How far was this house from Chetopa, Kans.? A I don't know, there was no town there then.
Q How far was it from the State line of Kansas? A I don't know how far it was, somewhere on the creek as near as I can remeber.
Q It was somewhere in the United States of America, isn't it?
A It was in the Cherokee Nation. It was on Russell Creek.
Q How far from the line was this cabin on Russell Creek?
A As near as I can remember---I don't remember where the line is. I only know by the roads.
Q You don't know whether it was in the Cherokee line or in the Kansas line? A We come right along there right often and when I went back there where she was living we stayed there all night.
Q Who stayed with you? A Lewis Rowe and Levi Bird.
Q Was it the Henry Bird over at Tahlequah? A No sir, it was Levi Bird.
Q What were you doing going back up there? A We went back up there to get something to eat; it was hard time up there.
Q You did'nt come until '68? A I come in '65.

Q Do you know this is the date set apart for the closing of freedmen testimony? A Yes sir.
Q Notices were sent you two or three months ago?
A Yes, I got a notice.
Q You live near Vinita? A 15 miles east of Vinita.
Q This Commission sat at Vinita two different times hearing freedmen testimony and you were around there a good deal? A Yes sir.
Q And you never then come in to testify, you waited to come something like fifty or sixty miles down here, and waited until the last evening so that it could not be rebutted-- not until the last time?
MR. SMITH: I object.
A The people did'nt know until we got to talking about it; I have talked about it since then and raked this up; we have been talking about it ever since I got these notices refreshing my mem'ry.
Q How longago? A Ever since this court is going on.
Q When did you refresh your memory about this case?
A From time to time.
Q But the first time you refreshed your mind while the court was at Vinita? A Yes sir.
Q Why did'nt you go in there? A I was'nt asked to testify.
Q You were how old when the war closed? A About 16.
Q You were about 16 years old, is that correct, when you saw these people? A I was about 16 when I saw these people. As near as I can remember it has been do long. A lot of things I forhet but they come back to me. Lots of these things come back fresh to my mem'ry when I never have thought about it before.
Q This was brought fresh to your recollection the last evening of taking testimony was'nt it? A No, not altogether.
Q They had a family up there did'nt they? A I don't know, we only stayed all night there. I don't know what they all had there; we stayed there all night and went from there to Baxter.
Q You knowed her before the war? A I seen her often in Kansas.
Q What place in Kansas?
A Near Hobbs' Mill id the first time I saw her.
Q Near what town is that? A I don't know, near Hobbs' Mill, near Mapleton I guess.
Q How many children were they there that night?
A She had a bout three children.
Q Name them? A Joshua, Jesse and Martha.
Q About how old was Martha? A I don't know.
Q Martha was by her last husband? A No sir.
Q Was she by her former husband? A Yes sir.
Q What kind of a house did she have? A Log cabin.
Q Was it right on the Creek? A No sir, it seemed to be about one mile or two miles from the creek as near as I can remember.
Q How old was Josh at that time? A I don't know exactly, but he was about 10 or 11 years old. I don't know, I did'nt know nothing about his age.
Q There was'nt any man there? A Not that I remember of.
Q They had no wagon or team there?
A I don't remember what they had there.
Q Was it spring or fall? A It was fall.
Q What year did Wallace make that roll? A '89.
Q Well was it '89? A As near as I remember it must have been '89.
Q Are you certain of it? A As near as I can remember.
Q Well, you and Bird and Lewis Rowe went back up north did you?
A Yes sir.
Q You never have told me how far this house is from the line?
A I don't know how far it was, I don't know how far the line was, but it was somewhere on that creek.
Q Do you think it was ten or twenty miles from the line? A About 2/12 miles as near as I can remember.
Q Did you see any other house around there? A I don't remember.
Q When did you next see Josh and his mother? A Some five or six years they moved down on the river below us.
Q Did you ever have occasion to go back to that place? A No sir.

Q You did'nt go back there from Kansas? A No sir.
Q You come back another way? A We did'nt go near there.
Q You never saw them until five or six years after that?
A No sir, not until I saw them down here.
Q You don't know how long they had been living up there? A No sir. The old man went by there, this woman was the old man's relation and we stayed there all night. It was her step-father.
Q Whose step-father? A Lewis Rowe was my step-father.
Q Captain George Was'nt along with you? A No sir.
Q And you never attempted to give testimony in this case until the last day have you? A I never was asked for any testimony.

MR. SMITH: When did you come to Muskogee this time?
A Thursday morning of this week.
Q Were you here last Thursady when we were taking testimony?
A Yes sir.
Q Was Josh Vann here? A Yes sir.
Q Were you waiting here to give testimony then? A Yes sir.

W. W. HASTINGS: You received notice last March that it was going to close on the 31st day of May? A Yes sir, from the Commission.
Q And you saw it in the paper? A Yes sir.
Q And you waited until the last day? A Yes sir, I had to come also to see about my own boy tht was on a doubtful card.
Q You found it out then that you knew something about this case?
A I knewed it before but I was not called before.

Counsel for applicant moves to have all questions and answers stricken out relative to testimony being taken on last day because it is incompetent, irrelevant and does not tend to show an issue in this case.

W. W. HASTINGS: The Cherokee Nation in reply to that desires to say that it is a strongly suspicious circumstance that the applicants who filed their cases more than a year ago at the town near which they lived, the same being Vinita in this case, and that they have waited for more than a year in order to put testimony in on the essential points in their case, and having received notice that the testimony would all close, they bring the witnesses here and introduce them on the evening of the last day in order that the Cherokee Nation might not have the time or the opportunity in order to rebut the same. particularly when these witnesses which they bring were witnesses who trailed after the Commission at nearly every place the Commission met when abundant opportunity was given to testify and they did'nt avail themselves of it. We say that it is a suspicious circumstance and it is one that the Commission should take into consideration.

MR. SMITH: The counsel for the applicant in support of the motion suggests that the applicant had a perfect right to rest upon the testimony offered and also the right to exercise their judgement as to whether after the testimony had been introduced by the Cherokee Nation it was expedient for them to offer any further testimony, and that they are simply exercising the rights afforded to them under the rules of this Commission.

MR. HASTINGS: The Cherokee Nation in answer says: That under no rule or pleading is this testimony admissable; that the applicants in this case under the practice in all courts at this time, would only be permitted to introduce rebuttal testimony to offset any testimony heretofore introduced by the Cherokee Nation, but would not be permitted to introduce original testimony in support of their case;

that rebuttal testimony is to offset testimony introduced by the defendant, whereas this testimony is testimony in support of the original application.

MR. SMITH: The counsel for the applicant is willing to submit the case without further argument.
The testimony will be filed and made a part of the record in this case.

Witness re-called by MR. SMITH: Do you know John Pee? A Yes sir.
Q Whose son was John? A Susan Pee.
Q What do you know about John, is he living or dead? A He is dead.
Q What caused his death? A He was shot down by John Davis at Vinita; I was'nt there but I saw him after he was killed.
Q Was John Pee the brother of Josh Vann? A He was a half brother.
Q And you say by the same mother? A Yes sir.
Q And you say that John Pee was shot by John Davis? A Yes sir.
Q Who was John Davis? A A son of Bill Davis.
Q Was he a Cherokee citizen? A Yes sir.

MR. HASTINGS: This killing was done after the 1896 roll was made?
A Yes sir.
Q And the killing took place before the Curtis Bill was passed did'nt it? A Yes sir.
Q And the fellow was'nt convicted was he? A No sir.

MR. SMITH: Was he tried by a jury? A Yes sir by the Cherokee Court.
Q Were you there? A No sir, I was'nt there.

FRANK ROSS, being sworn and examined testified as follows:

BY MR. SMITH: State your name? A Frank Ross.
Q How old are you? A 54 years old.
Q What is your post-office? A Hayden.
Q Do you know Susan Pee? A Yes sir.
Q Where does she live? A She lives on Grand river.
Q Do you know Josh Vann? A Yes sir.
Q What relation is Josh Vann to Susan Pee?
A Claimed to be her son.
Q How long have you lived in the Cherokee Nation? A All my life.
Q When did you first see Susan Pee in the Cherokee Nation after the war? A In the fall of '66.
Q Where? A On Russell Creek.
Q Where is Russell Creek? A This side of Chetopa.
Q About how far from where Vinita now stands to the place where you first saw her then? A As near as my judgement it is thirty miles.
Q What was she doing there? A She was living there.
Q Did she have any children there? A Three.
Q What are their names? A Josh, Jesse and Martha.
Q How long after that did you see her again? A About two years.
Q Where was that? A About near Brice's Creek, in the Cherokee Nation.
Q How long before that when you saw her again? A About one year or maybe longer.
Q Then where did you next see her?
A I have seen her off and on ever since.
Q Where? A In Vinita, Grand river.
Q Is Grand river in the Cherokee Nation? A Yes sir.

W. W. HASTINGS: Frank have you missed a single session of the Commission? You have been to all of them?
A Yes, I have been to all of them.
Q Were you up at Vinita when these people made this original application last spring? A Yes, I was there for a awhile.

Q You was there as a standing witness for a number of people?
A I never witnesses for none.
Q Did you ever refuse to testify for any single fellow?
A Yes sir, for lots of them.
Q You went to Chelsea? A Yes, if I had knowed them I would have testified for them.
Q You testified there in a number of cases? A Yes, a few.
Q You went to Nowata? A Yes.
Q And you testified there? A Yes, for a few.
Q Where did you live in '66? A Part of the time on Brice's Creek and part of the time on Grand river.
Q Tell me a single man that you refused to testify for?
A I don't that I can tell the name.
Q Is there anyone that you refused to testify for? A Yes.
Q Name one of them? A I don't know that I have to.
Q Name them? A I refused to testify for two or three of them.
Q Name one of them? A I refused to testify for Jim Landrum.
Q Where did you refuse to testify for him? A At Vinita.
Q Did Josh ask you to testify in his case?
A He asked me if I knew him and recollect him.
Q When did he ask you? A Last Spring.
Q Did he ask you to testify for him?
A He said if he needed me he would.
Q He did'nt need you then? A I don't guess he did.
Q And you waited until the last day for the purpose of coming down here so that you could not be contradicted, did'nt you?
A No sir, I come here last Wednesday.
Q Who was with you at Russell Creek? A Alex Johnson.
Q Is he dead? A Yes, he was killed over at Gibson.
Q You knew he was dead too did'nt you?
A Yes of course I knew he was killed.
Q Did you see Charley Pee up there? A Yes sir.
Q How many children did he have by this woman at that time?
A They did'nt have any.
Q He was living there at that time? A Yes, he was living there.
Q Well how large a field did they have around there?
A They did'nt have any field as I saw.
Q He had a house did he? A He had a log hut.
Q About what time of the year was it?
A About the first of the fall.
Q And you have remembered it now for 36 years?
A I remember it well.
Q Can you read or write? A I can read a little; I can't write.
Q What year did Wallace make the roll in this country?
A Along about '86 I think.
Q What year were you married? A I was married in '86, in the winter.
Q Where?I told you yesterday.
Q Where? A Iola, Kansas, in February of '66. The next day after I got married I come right home.
Q Don't you know Charley Pee was'nt married to this woman until '68, in Kansas? A I know he was there; I don't know he married there.
Q He lived there as husband and wife?
A Yes sir, they were together.
Q And that was in '66? A Yes, that was in the fall of '66.
Q You are certain of that? A Yes sir.
Q You swear that Charley Pee was living with his wife as husband and wife in the fall of '66? A Yes sir.
Q Is this woman any kin to you? A No sir, not that I know of.
Q Did you refuse to testify for any one besides Jim Landrum? A Yes.

Counsel for the applicant objects because the question does not tend to prove an issue in this case.
COMMISSION: Answer the question.
A I refused to testify for Harry Still.
Q How far was this cabin from the bank of Russell Creek?
A I don't know exactly how far it was; it was'nt very far.
Q Did they get water out of that Creek?
A Yes, they got water from somewhere around there.
Q How long did you stay there? A I stayed all night there. I had been up—there horses were stolen and we stayed there all night and come back home.
Q How far did you follow the horses? A Up close to the Osage Nation. Tare were only a few houses up there.
Q How far was this near the Kansas line where the applicants lived?
A I don't know how close it was then.
Q About how far? A I could'nt say.
Q What is your best judgement? A It might have been 25 or 30 miles from the Kansas line.
Q That is your best judgement? A Yes sir.
Q Was Chetopa located there?
A There was a trading post there then.

This testimony will also be filed and made a part of the record in the cases of Mattie Vann et al., D-725; Lettie Muldrow et al., D-705 and Mary C. Lane et al., D-666, as well as the case at bar, being that of Josh Vann, D-415.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger

Subscribed and sworn to before me this 14th day of June, 1902.

Seal. (signed) P. G. Reuter
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E DeWitt

Sworn to and subscribed before me this 15th day of August, 1902.

Bruce C Jones
Notary Public.

75705

COMMISSION TO [illegible]

FILED

MAY 16 1903

CHAIRMAN

Cherokee Freed. D-705.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., May 9, 1903.

In the matter of the application of Lettie Muldrow for the enrollment of herself and her children, Martha Lynch, Ollie Vann, Richard Minch and Howard Brown, as Cherokee freedmen.

Lettie Brown, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Lettie Muldrow.
Q Is that your name now? A No sir, I am married now since I enrolled.
Q What is your name now? A Brown.
Q How old are you? A About thirty-seven, I guess; I don't know exactly.
Q What is your postoffice? A Vinita.
Q When were you married? A I was married the 22nd of last July a year ago, I think.
Q What is your husband's name? A William Brown.
Q You were married to him July 22nd, last y ar? A No, a year ago.
Q Two years next July? A Yes sir.
Q You were married then shortly after you were enrolled? A Yes sir.
Q Is your husband, William Brown, a Cherokee freedman? A Yes sir, he is a freedman. He claims he is a freedman.
Q Have you and your husband been living together in the Cherokee Nation since you were married? A Yes sir.
Q Have you any children by Brown? A Yes sir, two.
Q What are their names? A Howard Brown, and they never enrolled the baby.
Q What is the baby's name? A Omega, but she is not enrolled.
Q When was she born? A The 15th of last October.
Q She was born too late? A Yes sir, that is the reason she is not enrolled.
Q Have you got your marri ge license and certificate here with you? A No sir.
Q Have you got it home? A Yes sir.
Q Will you send it to the Commission here? A Yes sir, I c n send it.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 15th day of May, 1903.

Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Josh Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Josh Vann, et al.,.....Cherokee Freedmen D 415
Lettie Brown, et al.,.... " " D 705
Mary C. Lane, et al.,.... " " D 666

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Josh Vann for himself, his minor children, George, James, Gull and Eva Vann, and for his mother, Susan Pee; by Lettie Muldrew (now Brown) for herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown; that subsequent to the date of her application supplemental testimony was taken before the Commission showing that the said Lettie Muldrew was married, on July 22, 1901, to one William Brown, and she will therefore be styled Lettie Brown in this decision; and by Mary C. Lane for herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Ines L. Downing.

The evidence shows that the said Susan Pee and her son, Josh Vann, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken to Kansas during the rebellion and did not return to and establish a residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866 and are the descendants of the said Susan Pee and Josh Vann respectively; and that they have no rights to enrollment except as such descendants. None of the applicants herein are identified on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josh Vann, George Vann, James Vann, Gull Vann, Eva Vann, Susan Poe, Lottie Brown (formerly Muldrew), Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Inez L. Downing, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

(SIGNED) J. S. Clark
Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

Cherokee F. D-705.

JOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., March 3, 1905.

In the matter of the application of Lettie Muldrow for the enrollment of herself and children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown as Cherokee Freedmen.

MARTHA MILLER, being duly sworn and examined by the Commission, testified as follows:---

Q What is your name? A Martha Miller now.
Q How old are you? A 22.
Q What is your post-office? A Vinita.
Q Are you an applicant for enrollment as a Cherokee Freedman?
A Yes sir.
Q What is your mother's name? A Lettie Brown.
Q What was it when she enrolled? A I think it was Muldrow. I don't know; she's been married two or three times.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Miller.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q When were you married? A The 8th of last April.
Q Are you and he living together now? A Yes.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me this 6th day of March, 1905.

J. Rasco
Notary Public.

JC

ISN

Cherokee F-1481

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I.T., December 27, 1905.

In the matter of the application for the enrollment of Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown as Freedmen Citizens of the Cherokee Nation.

Martha Lynch, being first duly sworn, by William P . Drew, a Notary Public, and examined on behalf of the Commissioner, testified as follows:

Q What is your name? A Martha Lynch.
Q What is your age? A Twenty-three.
Q What is your postoffice address? A Vinita.
Q Whatis the name of your mother? A Lettie Brown.
Q What is the name of your father? A Tobe Lynch.
Q It appears from the records of this office that you were married on April 8, 1904, to one George Miller,a non citizen. Are you living with him at the present time? A No sir.
Q Did you get a divorce from him? A Yes sir.
Q Was the divorce granted to you? A Yes sir.
Q In that decree of divorce were you allowed to resume your maiden name? A Yes sir.
Q So your name now is Martha Lynch, is it? A Yes sir.

Ira S. Niles, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case and that the above and foregoing is a true and complete transcript of his stenographic notes.

Ira S. Niles

Subscribed and sworn to before me
this the 27th day of December,1905.

William P. Drew
Notary Public.

Fol. 95

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-705.

Muskogee, Indian Territory, March 22, 1904.

Lettie Brown,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Alfred Bell et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your four minor children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Register

Commissioner in Charge.

Enc. D-47.

Cherokee Freedmen
D-415 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Josh Vann et al., rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Pee, Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Millie Lane and Inez L. Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-50

Cherokee Freedmen
D-415 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josh Vann et al., including the Commission's decision, dated March --, 1904, rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Poe, Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Millie Lane and Inez L. Downing as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-31

(COPY)

Refer in reply tp
the following:
Land.
20429-1904.
50600-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, AUGUST 8, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated March 22, 1904, forwarding the record relative to the application of Josh Vann, et al., for enrollment as Cherokee freedmen.

Josh Vann applied for the enrollment of himself and his minor children, George, James, Cull and Eva Vann, and for the enrollment of his mother, Susan Pee. Lettie Brown, formerly Muldrow, applied for the enrollment of herself and her children, Martha Lynch, Olive Vann, Richard Clinch and Howard Brown. Mary C. Lane applied for the enrollment of herself and her children, Myrtle, Jessie, Susan and Ora Martin, and Millie Lane and Inez L. Downing.

It is shown by the record that Lettie Brown applied as Lettie Muldrow, and she was married to William Brown July 22, 1901, which was subsequent to the date of her application.

The Commission say that the evidence shows that Susan Pee and her son, Josh Vann, were slaves of Cherokee citizens at the commencement of the war; that they were taken to Kansas, and did not return and establish a residence in the Cherokee Nation on or before February 11, 1867; and that none of the applicants are therefore

entitled to enrollment.

Their decision is dated March 5, 1904.

The record shows, as stated by the Commission, that Susan Pee and Josh Vann were slaves of Cherokee citizens at the commencement of the war; that during the war they went to Kansas; and that all of the other applicants herein were born since 1866, and are the descendants of Susan Pee and Josh Vann. The office does not agree with the Commission's decision.

Of the applicants mentioned the following are identified by the Kerns-Clifton roll of freedmen of the Cherokee Nation, to-wit:

Josh Vann,	No. 3853.
Thomas Vann,	" 4032.
Cull Vann,	" 4033.
Eva Vann,	" 4034.
Susan Pee,	" 3852.
Lettie Brown, daughter of Susan Pee, as Pee.	" 3857,
Martha Lynch,	" 4089.
Olive Vann,	" 4091.
Richard Lynch,	" 4092.
Mary C. Lane,	" 2959.
Myrtle Martin,	" 2960.
Jessie Martin,	" 2961.
Susan Martin,	" 3931.
Ora Martin,	" 3932.

Millie Lane and Inez L. Downing were born since the Kerns-Clifton roll was made. George Vann, son of Josh Vann, does not seem

to be identified by said roll, unless he is the George Vann whose name appears thereon opposite No. 4031. The age of the George Vann opposite this number is given as 50 years, while George Vann, son of Josh Vann, was 16 years of age June 27, 1901.

As Josh Vann and all of his children, except George, are identified by the Kerns-Clifton roll, and as the George Vann whose name appears opposite the number mentioned is shown by said roll to have been a resident of the Cooweescoowee District, and as Josh Vann and his children were residents of that District, and as No. 4031 just precedes the number opposite the name of James Vann, second child of Josh Vann, it is very probable that the George Vann whose name appears opposite said number is the son of Josh Vann, and that the age as given by the Kerns-Clifton roll is an error.

Josh Vann testified that he was born in the Saline District, Cherokee Nation; that he was taken out of the Nation to Kansas during the war; that he has lived in the Nation all of his life, except while he was in the state of Kansas; that his mother belonged to Joe Vann, a Cherokee citizen, and thar Cull Vann, a Cherokee citizen, was his reputed father. He testified that he returned to the Cherokee Nation during the summer of 1866 and settled on Russell Creek, about three miles from Chetopa, Kansas. He has been out of the Nation off and on since his return, but his absence therefrom has not been of such a character as to expatriate his citizenship if he complied with the requirements of the treaty. His mother, Susan Pee, seems to have remained in the nation since her return.

Josh Vann was accused of having killed a man, and was out of the nation part of the time, scouting, on account of this accusation. His testimony with reference to his return and the return of his mother is absolutely supported by that of Arthur Bean, Allen Lynch, Harry Still, Thomas H. Moore and Frank Ross, and there is not a scintilla of direct testimony in the record which contradicts the testimony of Josh Vann and the persons just mentioned as to his return to the Cherokee Nation, and the return of his mother.

George Walker testified that he did not know Josh Vann and Susan Pee, and that, "I don't know that I know them." He also testified that he lived eight or ten miles from Russell Creek, that he never saw them in the vicinity of Russell Creek, but did not know whether they were there in 1866.

W. L. Trott testified that he did not know whether he knew Josh Vann; that he did not know Shookey Pee, Josh Vann's mother; that he moved to Russell Creek in the spring of 1866 and lived there until that fall; and in reply to the following question he said: Q. "You don't know if any colored people stopped there in the fall of '66 and stayed there until the winter of '66 and 7?" A. "No sir I can't tell you what happened after I left there."

J. C. Trott testified he did not know of any family living on Russell Creek in 1866, except his own family; that he was not personally acquainted with Shookey Pee, or Josh Vann, her son; that he did not see them on Russell Creek in 1866, and that people might have been camped in that vicinity without him having known it,

if they had "been in a holler log or something like that."

William H. Noble testified that he has lived in the Cherokee Nation since 1866, between the mouth of Fly and Cherry Creeks, on what is known as Short Creek; that his home is about two and one-half miles from Chetopa, Kansas; that he was on Russell Creek in 1866; that "Mr. Trott was there; that the first house was built on the creek in the spring of '66;" that no other houses were built on Russell Creek during the year 1866; that there was a shanty which belonged to Oliver Morris; that he was not acquainted with Shookey Pee or Josh Vann, but had heard of Josh Vann; that he was backward and forward on the creek until the spring of 1868; and that he did not see any colored people there or any houses in 1866.

G. W. Armstrong testified relative to having known Charlie Pee and his wife, Susan, who was also known as Sukie Ross, and who died about 1866 or '67. He said that they lived on a farm in Bourbon county, Kansas, which adjoined his.

Margaret Perkins testified that she knew Sukie Vann and Josh Vann, and that Josh's father was reputed to be his mother's young master, Cull Vann; that they left Kansas "anyway '68 or '9." In this testimony she seems to have been testifying about Charlie Pee. Her testimony tends to indicate that the Pee family, including Josh Vann, lived on land purchased by the Perkins' October 15, 186 6, until some time in 1868 or 1869. Her testimony in this particular however, is contradicted by that of her husband, J.M.Perkins, who testified that a man by the name of Jackson, who had married one of

the Pee girls, lived "on that school land, and I don't remember that Charlie Pee ever lived on that land, if he did I don't remember; he lived in the same neighborhood." He also testified that said Jack son went to Humboldt, Kansas, about '67 or '68, and that he never knew of the Pees living on the school land purchased by him October 15, 1866.

In view of the record in this case the office cannot concur in the Commission's decision. Josh Vann testified that he returned to the Cherokee Nation in the summer of 1866 and settled on Russell Creek, at a point about three miles from Chetopa, Kansas. This testimony is positively corroborated by the testimony of five witnesses in the case, and none of the other witnesses, of whom there are seven testified that he did not return at that time. They did testify, however, that they did not see him on Russell Creek during 1866, but testimony of this character is not sufficient to overcome the positive testimony of the applicant himself, and that of five witnesses, that he complied with the provisions of the treaty.

In view of the record in this case it is respectfully recommended that the decision of the Commission be not approved, and that the Commission be directed to enroll all of the applicants as Cherokee Freedmen.

There is enclosed a communication from R. W. Blue and S. S. Clover, attorneys for Lettie Brown, requesting that no action be taken concerning this case until they have had an opportunity to be heard, which was referred to this office for proper action July 26 last.

Very respectfully,
(Signed) A.C.Tonner, Acting Commissioner.

GAW-MA

D.C. 29369-1904. (COPY) W.C.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHE

I.T.D. 6350-1904. August 11, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Josh Vann, et al (D-415), including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter August 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be not approved, and that you be directed to enroll all of the applicants as Cherokee freedmen. A copy of his letter is inclosed.

You are directed to notify the principal applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to submit argument in the matter, and the applicants ten days within which to answer same.

Respectfully,

(SIGNED) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-705.

Muskogee, Indian Territory, August 26, 1904.

Lettie Muldrow,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of departmental letter of August 11, in the matter of your application for the enrollment of yourself and others as Cherokee freedmen. The Commission's decision in which case, rejecting your application, was forwarded to the Secretary of the Interior for review on March 22, 1904.

In accordance with instructions contained in said letter, you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, a copy of which they will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

Respectfully,

Chairman.

Encl. S-20.

COPY.

Cherokee Freedmen
D-705.

Muskogee, Indian Territory, June 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted motion for rehearing in the matter of the application for the enrollment of Lettie Muldrow, et al. as Cherokee freedmen, this day filed with the Commission by Wade S. Stanfield and Thomas & Foreman, attorneys for the applicants.

Respectfully,

SIGNED. T. B. Needles.
Commissioner in Charge.

Incl. S-12

Through the

Commissioner of Indian Affairs.

D. C. 43697-1905.
I.T.D. 6350-1904.
7074-1905.
LRS.

W.C.F.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON. September 13, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On March 22, 1904, the Commission to the Five Civilized Tribes transmitted the record in the Cherokee freedman case of Josh Vann et al., including the applications of Josh Vann for the enrollment of himself and his minor children, George, James, Cull, and Eva Vann, and for his mother, Susan Pee; Lettie Brown, nee Muldrow, for the enrollment of herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch, and Howard Brown; of Mary C. Lane for the enrollment of herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane, and Inez L. Downing.

On March 5, 1904, the Commission decided that the applicants are not entitled to enrollment for the reason that in the opinion of the Commission applicants Susan Pee and Josh Vann, through whom the other applicants claim right to enrollment, did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

Reporting August 9, 1904, the Indian Office recommended

that the Commission's decision be not approved, and that all of the applicants be enrolled as Cherokee freedmen.

On August 11, 1904, the Department advised the Commission of the recommendation of the Indian Office and instructed said Commission to notify the applicants and the attorneys for the Cherokee Nation that they would be allowed time within which to file arguments in the case. Brief has been filed by the attorney for the nation, also reply brief in behalf of the applicants, both of which have received due consideration.

For the reasons stated in the Indian Office letter of August 9, 1904, a copy of which was forwarded the Commission with departmental letter of August 11, 1904 (I.T.D.6350), the Department concurs in the recommendation of the Indian Office that the applicants be enrolled.

The decision of the Commission is therefore reversed and you are directed to enroll all of the applicants as Cherokee freed men.

A motion has been filed by the attorneys for applicants Lettie Brown and her minor children that the case be remanded, and that upon a rehearing these applicants be enrolled as freedmen of the Cherokee Nation, for the reason that the decision of the Commission is contrary to the law and that said decision is also contrary to the evidence.

The attorneys for the nation request that if the Department deem the testimony presented by the Cherokee Nation insufficient

to show that the applicant Susan Pee remained in Kansas until 1868 or 1869 that the case be remanded to your office for further hearing in order that the said attorneys may introduce further testimony, of which they claim to be possessed.

Said motion is not made under oath. It fails to show that the evidence the attorneys desire to introduce could not have been obtained at the original hearing, neither did the attorneys give the names of the witnesses they desire to introduce or the facts to which said witnesses will testify. The Department does not therefore feel warranted in remanding the case, and the motion is hereby denied.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

Cherokee Freedmen

D-415, et al.
705

COPY.

Muskogee, Indian Territory, September 22, 1905.

Wade S. Stanfield and
Thomas & Foreman,
Attorneys for Josh Vann, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Vann, et al., F.D-415, Lettie Muldrow, et al., F. D-705, and Mary C. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of Departmental letter of September 13, 1905.

Respectfully,

SIGNED.

Wm O Beaver
Acting Commissioner.

LS

Incl. S-26

Cherokee Freedman

D-415, et al.
705

COPY.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Vann, et al. F. D-415, Lettie Muldrow, et al., F. D-705, and Mary C. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of Departmental letter of September 13, 1905.

Respectfully,

(SIGNED).
Wm. C. Brasc
Acting Commissioner.

LS

Incl. S-27

Cherokee Freedmen

D-705. COPY.

Muskogee, Indian Territory, September 22, 1905.

Lettie Brown, nee Muldrow,

Vinita, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and minor children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown, as Cherokee freedmen, you are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, wherein the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application, is reversed and this office directed to enroll you and your children.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

J. Geo. Wright
Acting Commissioner.

(C O P Y)

Land
78756-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

October 5, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Joseph Landrum and Carrie Landrum.

September 29, 1905, the Commissioner decided adversely to the applicants.

The record shows that the applicants, under the names of Joe Barnett and Boston Barnett respectively, are included in a partial roll of Creek Freedmen approved by the Department opposite Nos. 5344 and 5204 respectively, and have received their allotments of land in the Creek Nation.

As these applicants have been enrolled as citizens of the Creek Nation and have been given allotments as such, they are not entitled to enrollment as Cherokee Freedmen, and the approval of the Commissioner's decision adverse to them is recommended.

Very respectfully

C.F.Larrabee
Acting Commissioner

M.M.M. (W)

(C O P Y)

Y.P.
FHE

D. C. 48144-1905

I.T.D. 13330-1905

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 14, 1905.

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

September 29, 1905, you transmitted the record in the matter of the applications for the enrollment of Joseph and Carrie Landrum as Cherokee Freedmen, including your decision of the same date, rejecting said application.

Reporting October 9, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

COPY.

Cherokee Fr.
D-1201
D-1202

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of this office, dated September 29, 1905, rejecting the applications for the enrollment as Cherokee Freedmen of Joseph Landrum (Cherokee Fr. D-1201) and Carrie Landrum (Cherokee Fr. D-1202), was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

(SIGNED) Tams Bixby.

Commissioner.

Encl. J-18

Cherokee Freedmen COPY.

D 1201.

Muskogee, Indian Territory, October 31, 1905.

Joseph Landrum,

Lynch, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 14, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

LS
Incl. S-57

Cher Fr 1482

Trans. from Cher Fr D666

Cher Fr 1482

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 10, 1901.

In the matter of the application of Mary Cordelia Lane for the enrollment of herself and six children as Cherokee Freedmen.

Mary Cordelia Lane, being duly sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Delia Lane.
Q How old are you? A About 30 I reckon.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware I guess.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my six children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Reuben Lane.
Q Is he a citizen? A Yes, sir.
Q Where is he? A He is here on Pryor Creek, somewhere.
Q Are you living with him now? A No, sir.
Q What was your father's name? A Charlie Pee.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Susan Pee.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q Has your mother been enrolled? A I don't know sir, I think she has at Vinita.
Q Give me the names of your children? A Myrtle Martin.
Q How old is Myrtle Martin? A She is about 16.
Q What is the next one? A Jessie Martin.
Q How old is she? A She is about 12 or 13.
Q The next one? A Susie Martin.
Q How old is Susan? A She is about 10 years, as near as I can recollect.
Q Well, the next one? A Ora Martin.
Q How old is Ora? A She is about 8 I guess.
Q Well, the next one? A Well, the next one is Millie Lane.
Q How old is Millie Lane? A She is about 3 or 4.
Q What is the name of the next one? A Inez Lee Downing.
Q How old is Inez Lee Downing? A She is about 15 months old.
Q What is the name of the next one? A That is all.
Q Were you ever married before you married Lane? A Yes, sir.
Q Who to? A Tobe Martin.
Q Is he living? A No, sir, he is dead.
Q After his death you married Lane? A Yes, sir.
Q Are you and Lane separated now? A Yes, sir.
Q And since the separation you have had this youngest child?
A Yes, sir.
Q You are laying it to Downing? A I guess I am, that is who I said.
Q What is Downing saying about it? A I haven't asked him about it, he isn't saying anything.
Q Where were you born? A I don't know where I was born.
Q Where can you first recollect of being at? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q You lived there all your life? A Yes, sir.
Q Never lived outside? A No, sir.
Q These children all living at this time? A Yes, sir.
Q Who do you claim your citizenship through, father or mother?

A My mother.
Q And your mother has been listed for enrollment, has she? A I think she had.
Q You dont know where you were born? A No, sir, I don't.
Q Never heard? A Yes, sir, I heard; down here on Grand River.
Q Did you hear you were born in Kansas or the Cherokee Nation?
A Cherokee Nation.
Q Never heard you were born in Kansas? A No, sir, I didn't.
Q The first place you can recollect is the Cherokee Nation?
A Yes, sir.
Q You have got a brother named Josh Downing? A Josh Vann.
Q Did you draw what is known as theKern-Clifton money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Josh Vann is Johnson Vann's son? A Yes, sir.
Q How did your name happen to be Mary? A Well, it is named Mary Cordelia.
Q Well now what is your proper name? A My proper name is Mary Cordelia Pee.
Q Why didn't you say so when I asked you your name? A I told you Delia Martin.
Q Did you draw for this child? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:
Mary C. Lane on page 119, No. 2959, Delaware district as Mary Martin;
Myrtle Martin on page 119, No. 2960, Delaware district;
Jessie Martin on page 119, No. 2961, Delaware district, as Jesse Martin;
Susie Martin on page 159, No. 3931, Delaware district;
Ora Martin on page 159, No. 3932, Cooweescoowee district, as Orie Martin.

Q Do you know John Martin? A No, sir.

Commissioner: Mary Cordelia Lane applies for the enrollment of herself and five children, to-wit, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane, and Inez Lee Downing. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She and her four oldest children are duly identified upon the Kern-Clifton Roll. Her two youngest children do not appear upon any roll, and it will be necessary for her to make satisfactory proof as to their birth. She avers that she is the sister of Josh Vann, who was enrolled on D card 415, and that she was first married to one Tobe Martin, and after the death of Tobe Martin, she married one Reuben Lane, from whom she is now separated, and her child, Millie, is the child of said Reuben Lane. Since her separation from said Lane she avers that she has had one child named Inez Lee Downing, 15 months of age. She is separated from her husband Lane, but makes no proof of divorce, but it is not necessary. Reference is made to the testimony in the case of her brother, Josh Vann, D card 415, and copies of said testimony will be filed with the testimony now being taken, and made part of the record.

She will be notified by mail of the decision of the Commission as to her enrollment when said decision is arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 19th of June, 1901.

T. B. Needles
Commissioner.

7B

COMMISSION OF THE PHILIPPINE ISLANDS
FILED
JUN 10 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 10 1901

Post Office Vinita I.T.

District Delaware

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother Mary D. Lane Citizenship

1 f. Name of wife ~~Rosa~~ Lane Age 30

Owner's name Citizenship

Year K.C. Page 119 No. 2959 District Del.

Parents:

Father Chas. Pell. — dead Citizenship

Mother Susan " — living Citizenship Cher. Freed

Names of Children:

2 f.	Mayette Martin	Year K.C.	Page 119	No. 2964	Dist. Del	16
3 f.	Jessie "	Year "	Page 119	No. 2961	Dist. "	13
4 f.	Susan "	Year "	Page 119	No. 2962	Dist. "	10
5 f.	Ora "	Year "	Page 119	No. 3932	Dist. "	8
6 f.	Willie Lane	Year —	Page —	No. —	Dist. —	3
7 f.	Inez L. Downing	Year —	Page —	No. —	Dist. —	15 mo.
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by No. 1 Stenographer B. C. Jones

1 On K.C. roll as Mary Martin

3 " " " " " Jessie "

5 " " " " " Ora "

6 and 7 affts. " " Both names.

1/10 off D 415 — 416

File with Mary C. Lane, C.F. D-666.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 25d, 1901.

In the matter of the application of John Vann for the enrollment of himself, wife, four children and his mother as Cherokee Freedmen; said Vann being sworn and examined byn Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A John Vann.
Q How old are you? A About 45 I guess.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes sir, she is sick and aint able to get around.
Q How old is she? A She is about 7&5 years old.
Q Then yourself and your mother? A And my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, she don't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her you can't tell what her rights may be? A All right, and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the children living with her? A Yes sir.
Q She had better apply for them? A All right.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation about 34 or 35 years.
Q Where did you live before that? A Lived sometime in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Were you taken to Kansas during the war? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life except when you were in Kansas that time? A Yes, sir, that has been my home all the time.
Q You have never made your home anywhere else? A No, sir.
Q Give me the name of your father? A His name was Gull Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Give me the name of your mother? A Susan Pee or Vann.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Pee.
Q How long has she borne the name of Pee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q Where did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '97.
Q You had been married before that had you? A Yes, sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in '75.
Q Where did you marry her? A On Grand river in Delaware district.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It has been about, she died in '79.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84; no, it was '83.
Q Is she dead? A Yes, sir.

Q Is she dead? A Yes, sir.
Q When did she die? A '91.
Q Was she a Cherokee Freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now, your present wife, has she any right to enrollment of her own, or only by right of marriage? A Only by marriage.
Q Give me the names of your four children? A George Vann.
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is Jame? A 14.
Q Give me the name of the next child? A Cull.
Q How old is Cull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva? A She is 11.
Q That is all is it? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Cull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?
A Yes, sir, but is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q Where is he? A He is out here, George Lynch; that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1852.
Q What is your postoffice? A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years?
A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why, I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember?
A Well, sir, the first time, I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I got back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married then; he married during this last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence and then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I learned she went by the name of Mattie, Smith before he married her.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she? A Yes, sir, she is dead.
Q You have no personal knowledge of his ever having married before

he married Mattie Smith? A If he had I didn't know it.
Q Did you know Mattie Smith during her life time? A Yes sir.
Q Did you know her as this man's wife? A Yes, sir.
Q Are not you one of his witnesses on his marriage certificate?
A Not as I know of: I knew he married sometime after that at that time; I know he married, they stayed at my house and his wife was my wife's sister at that time.
Q Do you mean this wife Mattie, was a sister of your wife?
A Yes, sir.
Q Well, where did he and this woman Mattie marry? A Well now I will tell you gain, they married at my absence and I would like to be positive if I tell that, I don't know.
Q Where were you when they married? A I, as well as I remember, was traveling with a show.
Q You don't know where they were married do you? A Well I tell you I don't know, was not positive.
Q Do you know how long they lived together as husband and wife?
A Well, as well as I can remember it was somewheres in the neighborhood often or eleven years, as well as I can remember.

JOSH VANN, the Applicant, re-called:
Q You say you have a certificate of marriage to that last woman?
A Yes, sir, and I will produce it, but I haven't got it here.
Q What was the name of this woman, Mattie, before you married her? A Mattie Smith.
Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.
Q Was she ever married before she married you? A Yes, sir.
Q How many times? A Once as far as I know; I don't know only what she told me.
Q Was that husband dead when she married you? A Yes, sir.
Q How long has your mother lived in the Cherokee Nation? A All her life, only what time she was out as I understand.
Q All her life except a while during the war and little after?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his father or mother not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants' names and those of parents of Applicant not found thereon.

Q Was your family on the roll of 1896? A I don't know.
Q You are not? A No, sir.
Q Where was George Vann born? A Born in Delaware District.
Q Where was James born? A Delaware District.
Q And Cull and Eva? A Same, Delaware District.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3853, Josh Vann, Cooweescoowee District.
Page 156, #3852, Susan Pee, [illegible] or Vann, Cooweescoowee Dist.
Page 163, #4032, James Vann, Cooweescoowee District.
Page 163, #4033, Cull Vann, Cooweescoowee District.
Page 163, #4034, Eva Vann, Cooweescoowee.

Q Who can that George Vann be 50 years of age there? A I don't know; there has somebody made a mistake.
Q There is no other George Vann of your family? A No, sir.

Page 163, #4031, George Vann, Cooweescoowee District, 50 years of age.

Q Are you on the Wallace Roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 146, #3038, Joshua Vann, Cooweescoowee District.

APPLICANT: Wasn't any of them (children) enrolled on the Wallace roll.

Q You were carried to Kansas were you during the war? A Yes, sir.
Q When were you taken there? A Well, I can hardly remember.
Q When did you come back? A We come back along in the summer as well as I can remember of '66.
Q In the summer of 1866? A Yes, sir, it was warm weather.
Q Were you a slave in the Cherokee Nation when the war broke out?
A I guess so, my mother was.
Q To whom did she belong? A Joe Vann.
Q Was your father a slave? A No, sir.
Q He was a non-citizen was he? A No, sir, he wasn't a non-citizen.
Q Was he a Cherokee Freedman? A No, sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
Q Were he and your mother regularly married? A No, sir.
Q Are you the only child of his? A Yes, sir.
Q Your mother has other children? A Yes, sir.
Q Has she children by the name of Pee? A Yes, sir.
Q How many children has she of that marriage? A Had four, there is two living.
Q How does it happen that you are not on the roll of 1880? A I could not tell you.
Q Where were you at that time? A On Grand river.
Q How does it happen that your mother is not on the roll of 1880?
A I could not tell you that, they just didn't put us on.
Q Do you remember of having applied for enrollment in 1880?
A Yes, sir.
Q And what did they say to you? A They didn't say anything, only just taken our names, taken all the names.
Q Did they refuse you at that time? A No, taken our names, I don't know what he done with them.
Q That is all you know about it? A Yes, sir.
Q How does it happen that you are not on the roll of 1896?
A I was not here.
Q Where were you? A I was up in Kansas.
Q What were you doing up there? A I was working part of the time.

By W. W. Hastings, Cherokee Representative:

Q What was your stepfather's name? A Charley Pee, one of them was named Charley Pee.
Q Where was he and your married? A They was married in Kansas.
Q During or after the war? A It was right away after the war.
Q After peace was declared? A Sometime about that time.
Q You remember that? A I remember a little about it, not a great deal.
Q You remember when your mother was married?, A Well, yes, sir, I remember something about it.
Q About how old were you when the war closed? A I guess that I was about eight or mi ten years old, I don't know my age exactly.
Q What was the oldest child's name that your mother had by your stepfather, Charley Pee? A Lettie.
Q Was Lettie older than Jesse? A No, sir.
Q Was Lettie younger than Martha? A No, sir.
Q Then Kesse and Martha are not children of your mother by Charley Pee? A No, sir.
Q Is Lettie living? A Yes, sir.
Q Where does she live now? A Vinita.
Q Is she married? A Been married.
Q How old is she? A I would think she is about 32.
Q Where was Lettie born? A She was born in the Cherokee Nation.
Q Where? A Up close to the line of Kansas.
Q Do you remember going back with your mother after the war?
A I remember a little about it.
Q How did you return to the Cherokee Nation? A In a wagon.
Q A horse wagon? A Yes, sir, we had a mule team.
Q Did you have more than one team? A Yes, sir, we didn't have

but one wagon though.
Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more than one team.
Q Did you bring them along with you? A Yes, sir.
Q Did any others besides your own family come back with your stepfather and mother, any other colored people I mean? A Why there was another family come down when he first come down there before he come and got us, when mother and us come he come and got us, there was not anydoby come with us then at that time.
Q He come down here then first, before you and your mother?
A Come a little while before we did, he come in the spring.
Q And he came back after you and you all came in the summer following? A Yes, sir.
Q Now to what point in the Nation did you return? A Down here on Russell Creek.
Q HoX far from Chetopa, Kansas? A About three miles, maybe a little more.
Q You located there that summer? A Yes, sir, we stopped there that summer.
Q Built a house? A Built a little shanty in the fall like.
Q How long did you remain there at that place? A We stayed there that winter.
Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.
Q What did you do during that summer and winter? A I didn't do anything.
Q What did your stepfather do? A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.
Q Did you have any neighbors up there? A Not as I know of.
Q You never saw any at all? A No, sir.
Q Did you raise any crop? A No.
Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have stold it, I don't know.
Q Did he ever go up to Chetopa? A Wasn't any Chetopa.
Q About how far from where Chetopa now is, I think you answered it a while ago? A About three miles.
Q On which side of the M.K.& T. railroad, east or west? A It is east of the M.K.& T. Railroad.
Q About how far? A About two miles and a half or three miles.
Q Do you know who owns a farm up where that is nowK A No, sir, I don't.
Q Well what did you do, leave there? A Why we went the next spring back across there in the States.
Q In Kansas? A Yes, sir.
Q What part of Kansas? A We went over there where Chetopa is now and from there acrossed the river, crossed the river on the other side, what is called Neutral land, or something of that kind.
Q About how far from Chetopa? A About two miles and a half.
Q North? A Northeast.
Q Well, how long did you stay there? A Stayed that summer and until fall like and then we come back to Russell Creek.
Q In the fall of '67 you returned then to where you had been previous to that? A Yes, sir.
Q How long did you live there? A We lived there that winter a part of the winter and we went back over across the line.
Q That was sometime in the winter of '67? A I think it was.
Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.
Q All the year of '68, and then when did youreturn to the Cherokee Nation? A We stayed there until the fall or winter of '68 I think, I aint sure now, and then we come back to the Nation and moved down on Verdigris.
Q That was in '69? A I think so.

Q Well, now, to what point on the Verdigris did you come then?
A Right where the Creek line crosses the Verdigris river.
Q Well, how long did you remain there? A Moved on Grand river.
Q And that must have been about the year '70 or '71? A Somewhere along there.
Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake.
Q In Saline District? A No, sir.
Q On the west side of the grand river? A Yes, sir.
Q How long did you stay there? A About a year.
Q And then where did you go? A Up on Grand river in Delaware District.
Q And that was '72 or '73 was it? A '73 I believe.
Q Well when did you go back to Kansas after that? A I went every once in a while.
Q Well when was the first time youwent? A I went back to Kansas and herded cattle for a man in '72.
Q On what place? A Right at the head of Russell Creek.
Q How long did you stay up there? A I stayed up there that once summer and winter.
Q You were married up there the first time? A No, sir.
Q Where were you married the first time? A On Grand river.
Q When was that? A In '75 I believe, somewhere along there.
Q Who married you? A Colored preacher.
Q What was his name? A Named Fred Martin.
Q Did your mother ever go back to Kansas after she moved down on Verdigris river as you stated about '69? A No, she didn't go back from Verdigris.
Q I mean did she ever go back to Kansas after that time? A Oh, yes, she has been at back to Kansas.
Q When did she go back after that? A She went back in, it was '69 or 70, I don't remember.
Q Where did she go? A Chetopa.
Q How long did she remain up there at Chetopa at that time?
Q Not a great while, I don't think.
Q About the best of your judgment? A Well, she has been back thereseveral times, she would go there and work, but I don't remember just how long she did stay.
Q As much as a year or two? A No sir, she didn't stay that long.
Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you we moved up here on Grand river a bout '72.
Q Make a place up there? A Bought a little place up there.
Q You were married once in Kansas were you not? A Married twice in Kansas.
Q The second and third times? A Yes, sir.
Q When were you married in Kansas?, A '97.
Q That was not the second time was it? A I married in '83.
Q Where were you married in Kansas? A In Marion County, Kansas
Q Where is that, how far from Kansas City? A About 175 or 200 miles by rail.
Q Did youmarry a State raised woman? A Yes, sir.
Q What were you doing up there? A I went up there to work.
Q How long had you known your second wife before you married her?
A About four months.
Q Where did your wife die, second wife? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q When did she die? A Died in '91.
Q Now you married your third wife in Kansas? A Yes, sir.
Q What place? A Newton, Kansas.
Q How far is that from Marion? A About 25 or 30 miles west of Marion.
Q Your second wife was State-raised? A Yes, sir.
Q How long have you known her before you married her? A About a

year.
Q Is she alive? A Yes, sir.
Q When did you come back from Kansas this last time? A Come back in July.
Q This last July? A Yes, sir.
Q You don't know where you got provisions to eat there when your step-father went back to Kansas after the war? A That is the only place we could get them.
Q You had no neighbors around you to,get anything to eat of? A No neighbors there.
Q No neighbors to work for? A No, sir.
Q What did you build your house out of, logs? A Logs, poles.
Q Covered it with poles? A Yes, sir.
Q One log house was it? A Yes, sir, one log roomed shanty.
Q Was there a road anywhere near you, big traveled road; how far were you from the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.
Q And this old road that runs through this country up there.
A That would be pretty near east as nigh as I would know about it, I never traveled that old Military road only from along the line coming from Baxter Springs.
Q Have you any children of your last wife? A No, sir.
By Commissioner Breckinridge:
Q How many children you say your mother has by her husband, Pee?
A Four.
Q Where were they born? A In the Territory.
Q All of them born in the Territory? A Yes, sir.
Q Your wife, Mattie, you stated died in Kansas? A No, sir.
Q Where did she die? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q Had she been all her life up in Kansas before that? A No, sir.
Q How much of her time has she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the next March, '94.
Q Did she go back to Kansas after you married her? A She went back to visit her mother.
Q Did she spend much of her time in Kansas? A Two months.
Q Is that all the time she spent in Kansas during her married life to you? A Yes, sir.
Q Where is your present wife at this time? A She is in Kansas.
Q How long has she been in Kansas? A She went there last fall.
Q You spoke of coming from Kansas in July? A Yes, sir.
Q Have you been here ever since you came from there?
Q Until last February, I have got my children up there going to school.
Q How long had you been in Kansas until you came in July?
A Off and on ever since '95.
Q Do you keep a house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.
Q Where are your children now? A They are there going to school, I sent them up there last December.
Q Are you farming up there in Kansas? A No, sir.
Q What are you doing in the Territory; what business are you doing? A I work, me my own place, when I am here.
Q And when you don't do that what business are you engaged in?
A Working.
Q When you are not here where do you go? A To Kansas some time.
Q What kind of business do you follow up there? A Doing public work.
Q Is that the kind of business you do up there? A Opening stone quarries.
Q Have you ever been called upon to vote up there? A No, sir.
Q Have you ever voted for Congressman, President, or Governor?

A No, sir.
Q Never voted for any office at all? A No, sir.
Q Where is your mother at this time; on her place on the Territory?
A She is in Vinita sick.
Q What part of her time has she spent in Kansas, since the war closed? A Why she aint spent a great deal of it, I can't tell you how much.
Q Anything like half of her time? A No, sir, not one-fourth of it.
Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir; after I married I moved my wife back, I went up there in the spring of '83 and staid until March and come back, that is in March, '84, and come back and remained here until '95.
Q Remained here all the time? A Yes, sir.
Q Didn't you out of the Cherokee Nation at all? A Well I went up there to visit her mother once; stayed a month; about '95 I had reason for going.
Q Well, where have you lived since '95? A I have stopped there part of the time wife my wife and the other time when Imhad a chance I come back down here, slipped around in here, I got into a little t rouble.
Q Little difficulty? A Yes, sir.
Q When did you get out of that difficulty? A Aint never got out of it.
Q You were scouting from 1895 on were you? A Yes, sir.
Q Haven't you been in the Cherokee Nation all the time after the last July? A Up until February when I went out.
A Now from 1895 to the last July, were you up in Kansas all the t ime except when you would slip in? A Yes, sir, only when I would slip in.
Q Is there any other testimony you want to introduce? A Yes sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 29th day of May, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Josh Vann et al - continued. May 23, 1901.
(Former portion taken by Stenog. J. O. Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q Have you lived here all of your wife? A Yes sir.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A I have known him about thirty years I reckon, personally
Q You know his mother? A Yes sir.
Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative, W. W. Hastings:

Q Where has Josh Vann been living for the past 30 years? A I could not tell you where he had been all the time; he lived down there about Tan Yard Ford most of his time I think.
Q Where do you reside now? A I reside here in Vinita.
Q Where does Josh Vann live now? A I could not tell you where he lives now.
Q How many times has he been married? A I don't know.
Q Where was he married the last time? A I couldn't tell you.
Q You know that he is living in Kansas now and had a wife up there? A No sir, I don't know that.
Q Do you know that he is living in the Cherokee Nation? A No sir, I couldn't say, only I have seen him here.
Q When? A All this spring.
Q How about last yeat? A I never saw him last year.
Q How about the year before? A Well, I don't know that I saw him the year before.
Q Have you seen him since 1895 up to this spring? A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name? A Arthur Bean.
Q How old are you? A 58.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee NationAm A All my life time pretty much.
Q What part of your life have you been out of the Cherokee Nation?
A I don't know what time; along in '62 or 3, I guess about then I was out.
Q You were never out except during the war? A No, sir, I was out then.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir.
Q How long have you been personally acquainted with him? A I have known him pretty much all of his life time.
Q Well, did you know him during the war? A No sir, I knowed him before the war; I didn't see him during the war.
Q You knew him before the war?, A Yes sir.
Q Was he a slave in the Cherokee Nation when the war broke out?
A Yes sir.
Q When did you first meet him after the war was over? A After the war was over I met him up on Russell Creek is the first time I met him after the war.
Q In what year was that? A That was in '66.
Com'r Breckinridge, to applicant: Do you want to ask this man any questions in your own behalf?
Applicant: No, sir, not now.
Examined by Cherokee Representative, W. W. Hastings:
Q Art, aint you a disputed citizen? A Yes sir.
Q Your name is not on the roll of 1880?, A No sir.
Q Where was the applicant, Josh Vann, living, - how was he living, was he living in a house when you first saw him after the war?
A Yes sir, kind of an old log house.
Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake now.
Q Were you ever tried before the courts for anything? A Not in my life, I never was before no court but the Clifton court; that's about all the court I ever was tried in.
Q Who was with Josh Vann when you first saw him? A Aunt Sukey, his mother, and two more children I knew.
Q What were their names? A Jess and Martha.
Q Was her husband with her? A Yes sir.
Q What was his name? A Named Pee.

Q Charley? A Yes sir.
Q About what time of the year was it you saw them? A Along about December I guess.
Q Decemberof '66? A Yes sir, I guess along about, close on to Christmas.
Q You were coming down this way? A No sir, I was up in that country.
Q Just ~~when~~ went up to see them? A No sir, not particular to see them, I was up looking at that country, me and several of the boys.
Q Who was with you? A Me and Art Tyner and Bean, Joe Bean.
Q What were you doing up there? A Just looking at the country,
Q How far was that from where you lived? A Forty miles I guess, maybe further.
Q Did they have anything to eat up there? A I guess they did, they couldn't have stayed without something to eat.
Q Did you eat with them? A Yes sir, such as they had, and that wasn't very much in time times.
Q Had they made any crop up there? A No sir.
Q You don't know how long they had been there? A No sir.
Q Did they tell you how long they had been there? A No, sir, they didn't tell me anything about that.
Q You didn't ask anything about their past whereabouts? A No sir.
Q Didn't you go on up to Chetopa and trade then? A No sir.
Q Why didn't you; you were there near? A There wasn't any Chetopa in there.
Q You remember that from five years ago don't you Art? A What's that.
Q That there was no Chetopa in '66 there? A I never did say that.
Q After you were excused awhile ago you went out down there to that white tent yonder? A Yes sir.
Q You took Cap? A Not particular; he went there; I went there with him.
Q After consulting, you called Al Lynch, didn't you? A Yes sir.
Q And you all went around there to consult? A Yes sir.
Q What did you talk about? A Oh, that was our business.
Q Did you talk about this case? A No sir, that was our business around there, Mr. Hastings.
Q Did you talk about this case? A Not particular.
Q What did you say about it? A I don't have to tell my secretd you know.
Q You did talk, after you were dismissed and put under the rule, you got all three of you together and talked about this case? A Yes sir, we talked about it; you sent us off, and we have got the privilege to do as we please out there, you know, Mr. Hastings.
Q Did you all three agree that you had seen them in '66? A No, we made no agreements about that.
Q Did each of these witnesses there of his say you had seen these parties in '66? A We talked about the case, but we didn't say anything about no '66; I told them I knew Josh in his childhood and I knowed all of his folks.
Q And the rest of the boys knew the same thing? A Cap didn't know a thing about it, he belonged too—
Q Did he know him in '66? A That's what he said, I suppose.
Q He told you that out yonder a while ago? A He told that in here I guess.
Q Well he told you that out yonder? A Well I told you awhile ago I didn't have to tell my secrets; you are a secret order man aint you?
Q Well, how long did Josh and his mother and step-father live on Russell Creek? A I couldn't tell you.
Q When did you next see them? A Down on the river, about '68.
Q About how many years after you saw them up there? AI don't know how many; not very many years.
Q Do you thik it was the next year? A They went down below, I heard they went below, I don't know anything about that.

Q When did Josh tell you that? A He never told me at all.
Q Did he tell you that to-day? A He never told me that at all. I heard they went down about the old salt lick below.
Q But you think it was about '68 when they came down to the river near you? A I guess it was about then.
Q Aint you positive? A No.
Q Why is it you are positive when you first saw them and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
Q You think it was about 2 years afterwards? A Yes sir.
Q To your best judgment? A Yes sir.
Q They were neighbors to you in '68? A Yes sir.
Q Has Josh been living there ever since? A Yes sir.
Q You swear that? A Yes sir.
Q Has he ever been married? A Yes sir.
Q What was his first wife's name? A I don't know sir.
Q Was she a state raised or a Cherokee? A I don't know; I know he had a woman there as his wife, I didn't make no inquiry about that.
Q Was he married a second time? A Yes sir, I suppose he was that's what I hear.
Q Where was he married? A I don't know where he was married the last time.
Q Where do you live n w? A I live on Grand river.
Q Does Josh live down there by you? A He lived above me a ways.
Q About how far? A I guess about eight miles, above where I live.
Q You see him frequently? A Yes sir.
Q What does he do down there? A I don't know sir, I guess he tried to farm like the rest of us.
Q Did he make a crop this year? A I don't know sir, I haven't been up there.
Q Did he make one there last year? A I couldn't tell you; I don't think he did.
Q Did he make one there the year before? A Icouldn't tell you that either? Josh was out awhile.
Q When did he go out? A Oh it has been I guess a year or two ago.
Q Now give us your best judgment as to when he went out, if he did go? A I am giving it to you, best I know.
Q You think it was about two years ago? A Yes sir, he got into some trouble, that's about as near as I can get at it.
Q About two years ago? A Yes sir.
Q To your best judgment how long was he gone? A I don't know just how long he was gone; it slipped my remembrance how long Josh was out.
Q When did he come back? A I think it was along sometime about July, if I make no mistake.
Q That he came back? A Yes sir.
Q Been here ever since? A Yes sir.
Q You swear that? A Yes sir, I have saw him frequently ever since.
Q Is he married now? A Yes sir, I suppose he is, I heard he was.
Q Where is his wife? A I don't know sir.
Q You haven't seen her? A No sir, I just hear he was married.
Q You don't know where he was married? A No sir.
Q You didn't hear he was married in 1897 up in Newton, Kansas?
A No sir, I made no inquiry.
Q Y M didn't know he had been up in Kansas six years out of here?
A No sir.
Q Did all of these people that you mention go up in Kansas at that time, in '66? A Me and George Eaton and amongst us.
Q Did these people have any horses at that time? A They had a little pony team.
Q That's all you saw? A Yes sir.
Q No cows? A No sir, I couldn't see no cows.

Q Al Lynch wasn't with you when you went up there at that time?
A No sir.
Q Cap Nicks wasn't with you? A No sir.
Com'r Breckinridge, to applicant: Any questions now that you want to ask in your own behalf? A Applicant: No sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name? A Allen Lynch
Q How old are you? A I am 61 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, about all my life.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir.
Q How long have you known him? A I have known him ever since a little boy.
Q Did you know him before the war broke out? A Yes sir.
Q Have you known him ever since? A Yes sir.

Com'r to applicant: Any questions you want to ask Allen Lynch in your own behalf? Applicant: No sir.

Examined by Cherokee Representative, W. W. Hastings:
Hastings: I don't care to ask him any questions.

Com'r Breckinridge, to applicant: Any particular point you want your witness to testify on?
Applicant: Yes sir, I would like to know, - what I have introduced the witness for was to prove when I returned back to this country.
Com'r: You want to interrogate him yourself? A No sir.

Com'r Examined witness:
Q Where was Josh Vann during the war? A In Kansas.
Q Did you see him up there? A No sir, I never see him in Kansas; I saw him when they went there.
Q When they were going there you saw them? A Yes sir.
Q Where did you first see him after the war closed? A Saw him up here on Russell Creek.
Q How far was that from the Kansas line? A Well, judge I don't know exactly where the Kansas line was then, but it is about six or seven miles south of Chetopa now.
Q When was it you saw him there? A I saw him there along in August or September, in '66; I couldn't tell you just exactly the time.
Q Were you living up there yourself at that time? A No sir.
Q What was the occasion of your being there? A I went up there to drive some cattle for a man, some steers that a white man come and traded to Bill Foreman, traded some tin-ware, and he got me to drive the cattle.
Q Was anybody along with you? A Oh yes, me and this man and two white men.
Q That was the party? A Yes sir.
Q How did you happen to meet this man Josh Vann? A We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.
Q What do you know about him since that time? A I know he has been around here in the country.
Q Where did you next see him after that time? A I don't know next time I saw him whether I saw him on Grand river or whether I saw him at Chetopa after Chetopa commenced; I don't know exactly.
Q What can you say of a definite character about having seen him since that first meeting down to this time? What do you know

of where he has lived? A He lived with me three or four years and lived right there in the neighborhood.

Q When was that? A I can't tell you just exactly the time, but him and his family, it was, he had that Mattie, they lived there on my place.

Q That accounts for four years; can you mention any other period that you have personal knowledge of him in? A He has been here ever since that on until he got into this trouble, and I don't know where he went.

Q Was he living with you? A No sir, he was right around in the neighborhood until he had that trouble.

Q Where was he staying in the neighborhood? A Right there in the neighborhood wherehis mother is living now.

Q Was he staying on a place of his own? A On his mother's place.

Q Has he ever had a place of his own, or always lived with his mother? A I think he had always lived with his mother only when he lived with me and with Tobe Lynch awhile.

Q You don't know how far back he lived with you? A It must have been 13 or 14 years; it has been about two years since he left my place I guess.

Q And since that he has lived at his mother's place? A Yes sir.

Q All the time? A No, he has been gone two or three years.

Q Well but down to this absence that took place of late years?

A Yes sir; he may have lived in town a year; I don't know; his wife died here in town.

Q How far is his mother's place from where you live? A About three miles.

Q Now did he make his home continuously at his mother's place from the time he left your place until he went on that stay some years ago? A No sir, I think he lived with Tobe Lynch 2 years.

Q So he lived with his mother with that exception did he? A Yes sir. To the best of my knowledge about it.

Q How many times has he been married? A I think he has been married three times; I know, three times.

Q Did you ever see his first wife? A Yes sir.

Q Did you ever see his present wife?, A Yes sir.

Q Where did you see her? A I hauled her out there here about two months ago, out there to his mother's, it must have been ~~as~~ three months, maybe, or two months, somewheres along there; it has been two or three or four months ago.

Q Where is she now, do you know? A No sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Al, how far did you live from Josh when the war come up?

A Well, it must have been 16 miles, maybe further than that.

Q About how old was he when the war come up? A I don't think Josh was over 6 or 7 years old.

Q You remember seeing him when you stopped up on Russell Creek with his mother? A Yes sir.

Q You were driving some cattle at that time? A I drove a yoke of cattle up there.

Q Just one yoke? A Yes sir.

Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.

Q Where did you drive the cattle to? A I went up as far as Labette and then I returned back; I went up with them men and I come back alone.

Q Did you see anything of these people as you went up? A I don't remember; no, I don't know whether I stayed all night them them going or whether it was coming; but I stayed all night with them.

Q How long had they been there? A Well, I don't know, Mr. Hastings, how long they had been there.

Q You know from your conversation, you talked over all times didn't they tell you anything about their past history? Of ~~where~~ their where-

abouts? A Well, we talked over about how come them there. I don't know whether I asked them how long they had been there or not.
Q Had a log house did they? A Had a little log cabin.
Q How long did it appear to have been built? A Not very long; had little clapboards on it, new.
Q Had they made a little patch of ground there that year? A No sir, none at all.
Q Have any neighbors around near them? A No sir, not that I know of; my nearest neighbors where I lived was down on Cabin Creek; them is the only folks I saw up there on down here.
Q From your folks up to Kansas that was the only house you passed?
A Yes sir, that was the only house.
Q Was it on the big road? A There wasn't any road up there.
Q Just through the prairie? A Yes sir, prairie.
Q How did you happen to discover this place? A Well, we crossed the creek two or three hundred yards, as near as I can recollect from where they had this house; after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting a couple of pair of mules and they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewheres, and they come in there I suppose to hide from the officers; that's all a pretense, I never asked them about it.
Q How long after you saw them there until you saw them down here near you place, on Grand river? A I couldn't tell you, it must have been along in '67 or 8, something along there when they moved down in the bottom there, I couldn't tell you exactly.
Q That was on Grand river? A Yes sir.
Q And near where they live now? A Yes sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.
Q That was within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.
Q Well, about how long after you saw them up there until you saw them on Grand river? A Why I just couldn't tell you when they moved up there.
Q How many children did Mrs. Pee have at that time? A Had three.
Q She had no children by her last husband, Charley? A If she did I don't remember it; not then, no sir.
Q What three children did she have? A She had Josh and Jess and Martha
Q After you were excused awhile ago you and Cap ant Art had a conference about this case didn't you? A No, we never said anything about this case.
Q Never talked about it at all? A No sir, I never talked to anybody.
Q Didn't Art and Cap go behind that little white tent yonder and after talking the matter over call you around there? A They called me around there, but they was asking me about something else.
Q They wasn't talking about this case? A Not about this case; they never asked me about it, something else.
Q You never said anything about the case? A Not that I remember; we were talking about Joe. Ream's case.
Q Well you would have remembered it, it was only a few minutes ago, if anything was said you would have known it now? A Yes sir.
Q Didn't Cap and Art say when they saw this family up there?
A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.
Q When did he tell you? A He told me he saw them in October or September, '67, when he was herding cattle.
Q You never saw the Trott house up there when you sawthem?
A He never had no house up there.
Q You ever saw Albert Morris' coal mine there? A He never had no

coal mine there then.
Q It wasn't there in '66? A It was there but it hadn't been developed.
Q You know where Josh married the last time? A He married in Kansas I think; that's what his wife told me.
Q She lived up there yet? A She is up there now.
Q She has lived there all the time hasn't she, since she married?
A Only when she come and stayed across the river as I told you.
Q How long did ~~xx~~ she stay there? A I don't know; it must have been 2 months, maybe longer.
Q You know where Charley Pee and his family got anything to eat up thereon Russell Creek? A They may have got it like the balance of us; we stole it when we got it.
Q Was there anybody to steal from? A Yes sir, we had lots of cattle and hogs and rabbits and onions.
Q What did you eat when youwere up there? A I eat some beef and I eat some corn bread, and was glad to get that.
Q They didn't tell you what they were doing for a living? A No sir.

APPLICANT, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge:
Q Josh Vann, when you were scouting for several years from the Cherokee Nation, ~~xxxx~~ what was the trouble with you? A Why I got into a little scrape down here at town, there was a fellow got killed, and they accused me of it.
Q Accused you of killing him? A Yes sir.
Q Is that the only matter you have ever been accused of? A That's the only one I have scouted from.
Q Have you ever been up before the courts for any offence or charge? A Yes sir.
Q What? A Tried for whiskey and assault and attempt.
Q You have been in prison? A Sent to prison you mean and convicted?
Q Yes? A No sir, I never was convicted or nothing; I have been indicted in Delaware District court.
Q Many times? A Oncet only.
Q Have you any more testimony you want to introduce? A Yes sir, after you get nearer to where it is I do.
Q But this is all at the present time? A Yes sir.
Examined by Cherokee Representative, W. W. Hastings:
Q Except for this sickness is your mother fairly strong?
A No sir.
Q Does she do her own work? A No sir.
Q Has she been confined to her bed or room? A No, she is not really confined to her bed, but she had - I don't know whether it is Brights disease or what it is; if she gets a little bit warm she can't get her breath.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four children, and for his mother, who he states is old and infirm and unable to apply for herself;

The applicant is identified on the Wallace and Kerns-Clifton rolls, but not upon the roll of 1880 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1880, and his mother, who is living, is identified on the Kerns-Clifton roll, but upon none other;

The applicant claims to have come to the Cherokee Nation within the time prescribed by the Treaty of 1866, and he has introduced considerably testimony upon that point; it appears from the testimony or one or more of the applicant's witnesses that since they were put under oath they have conferred together about this case, and attention should be directed to that

point; it further appears that for the past five years the appointment has been, until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony, constantly, except when he would come into the Cherokee Nation secretly; it does not appear that he had been engaged in business in the Cherokee Nation except upon his mother's farm; he has been married three times, and his present wife, whom he married in Kansas, is living there at this time, with the children, who he states are there attending school; his second wife he married in the state of Kansas, but he states that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee Nation; he married that wife in the year 1883, and she died in the year 1891; under these conditions, and referring to the testimony generally, the applicant will now be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

As for his present wife, it appears that she was married once before, but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his two former wives were dead when he contracted his present marriage; there is some personal testimony establishing the marriage in addition to that of the applicant, but his wife is a state woman, he marriedher in the State of Kansas, and in the year 1897; so that under the conditions stated it is apparent that she is not entitled to enrollment at this time, and the application for her enrollment is rejected.

As for the four children named in the testimony; they are all four said to be living at this time; they are minors, and are identified on the Kerns-Clifton roll; it seems that these children were all born in the Cherokee Nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time appear any question; these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman.

As for the applicants mother; she is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896, and not satisfactorily identified upon the Wallace roll; so far as the evidence adduced goes, her right to enrollment appears to depend upon the period of her return from the State of Kansas, and of course her not being upon the roll of 1880 or upon that of 1896 indicated that she was not admitted to enrollment for some material reason; the testimony is to the effect that she returned to the Cherokee Nation at the time her son did; it is not disputed that she was a slave of the Cherokee Nation at the time the war broke out, and a slave of a Cherokee citizen; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decsion of the Commission will be made known to her at her postoffice address, and as regards the other applications, namely, those for the applicant and his children, the final decision will be made known to him at his postoffice address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded th testimony and proceedings in this case and that the foregoing is a trus and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to,before me this May 28, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 15th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Josh Vann, Cherokee Freedman, D-415.

Mellette & Smith, attorneys for applicant-
James Davenport attorney for the Cherokee Nation

HARRY STILL called and sworn by Commissioner T. B. Needles as a witness for the applicant, testified as follows:

By Mr. Mellette-

Q What is your name? A Harry Still.
Q What is your age? A 54.
Q Where do you live? A Hayden.
Q In what Nation? A Cherokee Nation.
Q Do you know the applicant here? A Yes sir.
Q Did you know his mother? Known as Susan Pee? A Yes sir I do.
Q Did you know her husband Charley Pee? A Yes sir.
Q Do you know when his mother Susan Pee, or Vann, returned to the Cherokee Nation after the war? A Yes sir.
Q When? A When I got acquainted with Charles — when I found Charles it was bout the first part — the first time I ever saw him was in the fall a little before Christmas of '66, on Russell creek.
Q In what Nation? A Cherokee Nation.
Q You say that was in the fall of '66? A Yes sir a little before Christmas, in the last part of '66.
Q Where was Susan Pee? A She was there too.
Q And she is the motherof this applicant? A Yes sir.
Q Do you remember if this applicant was a child then or not? A Yes sir a boy!
Q Was he along there at that time? A Yes sir, she had three children at that time.
Q And this was one of them? A Yes, sir, Jess, Josh and Martha was her three childrenthen.
Q Now since that time have you know this applicant in the Cherokee Nation? A Yes sir, I am the man that moved them away from there.
Q Moved who? A This man here and his mother and brothers and sisters.
Q Moved them from where? A On Russell creek.
Q From where you first saw them? A Yes sir.
Q Where did you move themto? A Timber Hill, the one near the Creek line.
Q Is there two Timber Hills in the Cherokee Nation? A There is 3 or 4 of them.
Q How long was it after the war that you moved them to Timber Hill.
A In '69 Imthink it was.

By Davenport:

Q When did you first think of the fact that you saw them in '66?
A Imhave been thinking of it all the time.
Q You didn't testify in her case in at Vinita? A No sir they never asked me to.
Q They applied there? A Yes sir.
Q You were there all the time? A No sir only one day.
Q You didn't see Susan Pee there did you? A Yes sir.
Q Was Josh there? A Yes sir.
Q You didn't talk about what you knew in their case until you came here? A Yes I did.
Q They applied there and then come here and asked you to testify for them? A I ~~xxxxxxxxxx~~ didn't know that Josh had applied there.
Q You have been here all the time with the Commission haven't you?
A Most of the time.

Q You didn't know where this Pee family went to during the war?
A No sir.
Q Did you know anything about them when they was living at Mapleton after the war? A No sir.
Q Do you know anything about them living at Chetopa after the war?
A No sor.

Q You just happened to see them up on Russell Creek did you? A No sir I didn't just happen to see them, I went up there to bury Aunt Nancy that died at Timber Hill and found them.
Q You also found the Robinson family there then? A Yes sir.
Q You found almost every colored family in that part of the Cherokee Nation when you went to bury your aunt Nancy didn't you? A No sir, but I had as good a chance to meet up with some of them there as Jess Cochran had to meet up with the people he testified about.
Q And you are patterning after Jess Cochran are you? A No sir I am not, I am telling you what I saw and what Iknows and nothing except that I saw and what I knows.
Q Nancy Pee is not on the 1880 roll is she? A No sir, and I know the reason why, she has been here all the time and applied to be enrolled and they wouldn't let her.
Q You were present when she applied were yuu? A Yes sir.
Q You remember the time that she applied and that they wouldn't let her go on? A They wouldn't let her prove it at all, they wouldn't let her have the chance, they wouldn't let anybody have the chance.
Q Who was taking the proof at that time? A Chambers and Dr. Miller
Q And you know that Suckie Pee tried to apply and they wouldn't let her? A Yes sir and about 400 others.
Q They let you did 't they? A No sir not at first, they tried to make me come back home too, but I aint the kind to let them run me off and I just up and told them they must try me and they did.
Q You made the court try you did you? A Yes sir, I told Daniels that I lived 100 miles from here and that I wasn't going home, that he had to let me have a chance to prove whether I had a right or not, that I wanted to know what they was going to do in my case.
Q And you are the only one the let prove his rights are you?
A Yes sir the only one at that time.
Q When was that? A Just after the war.
Q What year? A I showed you my certificate.
Q That was in 1870; was you the only negro that they admitted in 1870 or '71? A Only one at that time.
Q What time of the year was that? A Sometime in the summer.
Q Was it in July? A Yes sir I think it was.
Q Dont you know that the Webbers was admitted in July of '70 or '71?
A No sir they got scared and come back.
Q Didn't Sam Webber apply the firsttime that he went there to apply?
A No sir I don't think he did.

APPLICANT, JOSH VANN, called and sworn, and examined by Mr. Mellette:
Q Were you ever indicted by the Cherokee Courts? A ——
Mr. Davenport: "I object to this question because if he was the record thereof is the best evidence and should be introduced if it can be found."
By Com'r Needles- "Let it go in for what it is worth."
By Mellette of applicant-
Q Were you? A Yes sir.
Q For what? A Assault and battery.
Q On who? A Bert Lynch.
Q Did you have a brother that they called John Davis? A Yes sir.
Q Where was he born? A On Grand river in Delaware district.
Q Since the war? A Yes sir.

Q Was he the son of your mother Susan? A Yes sir.
Q Was this man Bert Lynch whom you were charged with assaulting a Cherokee citizen? A —

Objected to by Mr. Davenport.
By Com'r Needles- Let it go for what it is worth.

By Mellette-

Q Was he? A I understood so.
Q Did you know Hyra Halfmoon? A Yes sir.
Q Were you ever indicated for an assault on him? A Yes sir.
Q Where were you taken? A To Fort Smith.
Q To the United States Court? A Yes sir.
Q What became of that case? A —

Objected to by Mr. Davenport because the record is the best evidence and should be obtained if possible.

(No ruling by Commissioner)

By Mellette of applicant-

Q What became of it? A The jury turned me loose on the ground that they had no jurisdiction.

By Davenport of applicant:

Q You say the jury turned you loose on jurisdiction? A Yes sir, and the verdict read "We the jury find that the court has no jurisdiction because both the parties are Cherokee citizens."

By Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the indicement, verdict and judgment or any part of the record of the trial of Josh Vann or Pee at Fort Smith Arkansas at the United States court at that place, for the reason that no action of that court in disposing of that case would not tend to establish the rights of this applicant as to Cherokee citizenship, and the Cherokee Nation would not be bound thereby, and it would therefore be incompetent and immaterial.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 28th of June, 1901 at Nowata, I. T.

Signed, T. B. Needles,
Commissioner.

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File with C.F. D-666, Mary C. Lane, et al.

SUPPLEMENTAL: C.F. D-415.
"X"

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't;
Mr. J.S.Davenport, of attorneys for Cherokee Nation.

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:
BY MR. DAVENPORT:
Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 71.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q Now how long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '66.
Q You had been living before you moved to where you now live up right close to Chetopa; you know the Creek up there they call Russell Creek? A Yes sir.
Q How how far is it from Chetopa, Kansas. down in the Territory?
A It is about three miles, or little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Old man Trott? A Yes sir.
Q That's the father of W. L. Trott and Oce Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I knew of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family named Pee or Vann, Sukey Pee and her family? A No sir
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I don't know that I know them.
BY MR. MELLETTE:
Q How long is Russell Creek, Mr. Walker? A Well it is about, as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in the Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Neosho.
Q Whereabouts? A Well about something near two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q When? A Trott's house you mean?
Q No, were you ever at the mouth of Russell Creek? A Oh yes, often.
Q When? A I used to fish there.
Q Now when did you move into that country? A On Cabin Creek?
Q Yes? A Fall of '66 I moved there.

Q The fall of '66? A Yes sir.
Q How far is that from Russell Creek? A Well it is about, something near 8 or 10 miles, eight miles anyway.
Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.
Q How do you know? A I have been around that Creek often.
Q You swear that nobody lived in that country in '66? A Trott lived there.
Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin, Oliver Morris built it.
Q I don't care whether there was farms or not, but do you know whether or not there were anybody camped around in that country? A No I don't.
Q You don't know whether they were there or not do you? A No.
Q Now you located up there where you live in the fall of '66? Yes sir.
Q What time? A I couldn't tell you exactly what time; it was in the fall, toward winter.
Q Do you swear that these people were not living on Russell Creek during that winter? A No, I swear I never saw them.
Q But you don't know whether they were there or not? A No sir.

BY MR. DAVENPORT:

Q As I understood you awhile ago you said you were living near Chetopa on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chetopa.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green.

Subscribed and sworn to before me this November 15, 1901.

Notary Public.

Continued from stenographer M. D. Green, at Vinita, I. T. October, 12, 1901

JOSH VANN et al., C.F.D. #415.

W. L. TROTT, being first duly sworn by the Commission testified as follows: (on the part of the Cherokee Nation)
(By Davenport)
Q What is your name? A W. L. Trott.
Q What is your age? A 57.
Q What is your post office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.
Q During the year '66, where were you? A During the year '66 I was on Russell creek in the Cherokee Nation.
Q How far from where Chetopa now is? A Three miles.
Q What were you doing there that year? A Living there improving the place.
Q You were living with your father that year were you not? A Yes sir.
Q Who owns that place now, the one you improved that year? A I dont know
Q How lon did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66,
Q When you went there were there any houses along on Russell creek? A No sir.
Q When you left there were there any housed other than the one you and your father built ? A No sir.
Q How long is Russell creek, how far is it from where it comes into the Territory to where it empties into the river? A I dont know exactly where the head of Russell creek is, but I think it is about six or eight miles from the head to the mouth.
Q Do you know Josh Vann? A I do not.
Q Do you know Shookey Pee, his mother, or a woman that goes by that name? A No sir.
Q Was there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family either colored or white.
Q You were the only family, colored, white or Indians that lived on that creek then? A Yes sir. (By the Commission)
Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.
Q You dont know if any colored people stopped there in the fall of '66 and staid there until the winter of '66 and '7? A No sir I can't tell you what happened after I left there.

J. C. TROTT, being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation-
(By Davenport)
Q What is your name? A J. C. Trott.
Q Where do you live? A Here in Vinita.
Q How old are you? A 62.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where did you live in the Cherokee Nation in '66? A On Russell creek.
Q What other family lived there on Russell creek in '66 except your family? A I dont know of anyone.
Q Were you up and down that creek any? A Yes sir.
Q What other houses were there then? A None.
Q When did you leave that section of the creek? A In the fall of '66?
Q Were there any colored people there in the fall of '66? A No sir.
Q Did you make any improvements there? A Built a house.
Q What became of it? A Sold it, in the fall and moved away
Q Who did you sell it to? A I though it was Denney, but some say Glenn is his name.

Q Have you been there since? A No sir.
Q Do you know of anyone else living on that place up there since you sold out and left? A I know of this Denney or Glenn.
Q Any one else? A No sir, I haven't been acquainted around there since I left.
Q Do you know Josh Vann? A I know him when I see him.
Q Did you know his mother? A No sir.
Q Did you ever see Josh Vann living up there? A No sir.

(By Mellette)

Q You left Russell creek in the fall of '66? A Yes sir.
Q You dont know what colored people were there after you left? A No sir.
Q You dont know who was there in the fall and winter of '66 and '7?
A No sir.

LOUISA STINGER being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation:

Q (By Davenport)
Q What is your name? A Louisa Stinger.
Q How old are you? A I will be 58 on the 22d of next May, will be 58 years old.
Q What is your post office? A Edna Kansas
Q How long have you lived in the Cherokee Nation? A Born and raised here
Q What was your maiden name? A Morris.
Q Did you ever live on and about Russell creek, near Chetopa? A Yes sir
Q Did your parents live up there? A No sir.
Q What year did you move into that neighborhood? A Well I can't hardly tell the year, somewheres about '67.
Q What place did you move to when you moved there? A The old Glenn place we bought it from him.
Q Who originally made the place? A They claimed Mr. Trott made it.
Q How old were you when you moved there? A I was about 17 or 18 years old, I was married and had one child.
Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fields lived there close to the creek is all.
Q Was there any colored family there? A No sir.
Q Do you know Shookey Pee or Josh Vann her son? A I saw her, not personally acquainted with her.
Q Did you see her on Russell creek then? A No sir.
Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.
Q About what year do you think she moved in there? A Well I cant tell you the year.
She moved in there some time after you moved there? A Yes sir.
Q Did she build a house there? A I dont think so.

Q About how far were they living from you? A Half a mile northwest of where I live.

(By Mellette)

Q Mrs' Stinger, you dont mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.
Q Did you go up and down that creek to see who was living on it? A I lived there and know.
Q And you can say positively that there were no colored people camped there around that creek anywhere? A To the best of my knowledge there wasn't any there.
Q You said a while ago that you could not tell the year exactly when you moved there, now you dont know if you was there in '67 or not do you? A I dont know just what year, I can't read or write and cant keep track of the years.
Q Now was it '66, '67, '68, or '69? A I dont know. I have a brother in law that knows and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen the- Q Russell creek is six miles long isn't it? A No longer than that I guess.
Q How long do you think it is? A Over six miles I think
Q How long do you think it is? A Seven miles I guess to the head.
Q Did you hunt wild unions from the head to the mouth? A No sir.
Q Then these people might have been there and you not have seen them? A There are others that never saw them there.
Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.
Q And you swear they were not there? A Not to my knowing.
Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a holler log or something like that and me not know it.
Q How far out from the creek did you go hunting unions? A On the bank of the creek.
Q Suppose that they were camped half a mile from the creek, could you have seen them? A I might have.
Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is
Q If you say a man lived on Russell creek, how far does he have to live from the creek? A Right on the banks of the creek.
Q Then if a man lived half a mile from the creek is is not living on Russell creek according to your idea? A No sir.
Q You say these people came there after you did? A Yes sir.
Q Where did you see them? A Half a mile from where I lived.
Q Where were they living? A In a shanty there.
Q How long after you came there did you see them? A Two years after I came there
Q What year was that? A (No response)
Q How do you know it was two years? A To the best of my knowledge it was two years.
Q That is an opinion of yours? A I was living there two years before they came. I dont know the dates of the years and I can't answer that question, if I could I would.
Q You don read or write and dont know the dates? A No sir, but I know one year from another.

(By Davenport)

Q You know it was some time after you came there that they came there? A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:

(By Davenport)
Q What is your name? A William H. Noble.
Q What is your age? A 51.
Q What is your post office? A Edna, Kanas.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where were you living in '66, in what part of the Cherokee Nation? A I came on Neosho river between the mouth of Fly and Cherry creeks in what was called Short creek, on the north side.
Q How far is that from where Chetopa is now? A Two and a half miles.
Q Do you know a creek called Russell creek there? A Yes sir.
Q Were you on that creek any in '66? A Yes sir.
Q What houses were there on that creek then and who were living in them? A In '66?
Q Yes sir. A Mr. Trott was there, he built the first house on the creek in the spring of .66,
Q Where any other houses built there that year if you know—was you on that creek that year? A Yes sir.
Q Any other houses built there on Russell creek that year? A No sir.
Q When was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Norris, that was the next shanty built

Q Was he any relation of Mrs. Stinger,who just testified? A Brother I think.
Q Was that after the Trott house was built ? A Yes sir.
Q Was you on this creek in the winter of '66 and '7? A Yes sir.
Q Were there any colored people there then? A No sir.
Q Do you know Shookey Pee? A No sir.
Q Do you know Josh Vann? A I dont know him, I have heard of him.
Q How long did you live in that neighborhood? A Backwards and forwards on that creek from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.
Q Was you back there at that Trott place on Russell creek in '67 or '8? A Yes sir.
Q Did you see any colored people there or any houses that were built there then? A No sir.
Q When did you see any other shanties built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.
Q You married a sister of Mrs. Stinger's ? A Yes sir.
Q Where was she living? A With Mrs. Denney.
Q Where? A On Russell creek.
Q In what house? A The Trott house.
(By Mellette)
Q How long has it been since 1866? A How long?
Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.
Q How long has it been since 1866? A Way up in 40 odd years.
Q Forty how many years? A I can't tell exactly, unless I count it up.
Q Take your pencil and figure out how much it is ? A I cant figure how much it is, not much on figures anyway and then I havent my glasses with me to see the figures after I make them.
Q Well let's have it now, how much is it? A Six—this is '91—let's see, 44 years wouldn't it, I cant count it out right in my head.
Q You were passing up and down that creek from the mouth to the head every month or two? A From '67 I was was, pretty near every month up and down there.
Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the e,or that you might not recollect having see now at this time? A Not at that time, families were scarce then.
Q Do you swear that they couldn't have been there? A No they couldn't
Q And you will swear that the family of Shookey Pee was not there in the winter of '66? A Yes sir I do.
Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell creek? A (No response.
Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '66 was Shookey Pee there? A No sir she was not.
Q Where were you living 35 years ago? A I believe I was living in Kandas then.
(By Davenport)
Q You came from Kansas to the Territory? A Yes sir.
Q What section of the Territory did you come to from Kansas? On Cabin creek.

(Witness William H. Noble here desires to make a correction in his testimony)
(By the Commission)
Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my ming wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '66 and I mean that it is 35 years from that time till now.
(By Mr. Smith of counsel for applicant)

(By Smith)
Q How long do you say it was, now? A 35 years.
Q How do you know? A It was '66 and now it is '91 that is 35 years ,I said 40 odd years in place of 35.
Q Didn't you say 43 years? A I dont believe I did, I might have.
Q Who did you get to figure it out for you? A I didn't get no one, I had it figured out before I left the stand but did not know that I could correct it, and when I went down stairs Mr. Davenport told me that I could and so I am doing it.
Q Where were you when the war closed? A I was in Louisville Kentucky.
Q What month were you there? A I took my discharge there.
Q What onth did you get it? A I cant tell you, I have it at home .
Q You dont know when you got your discharge? A I cant tell it just that way.
Q When did the war close? A Closed in--I cant speak that,you throwed me again there.
Q You dont know? A No sir.
Q You dont know anything about '66 do you? A That was the year I came from Kansas to the Territory.
Q You cant give any other d te except '66 can you? A Yes sir I can give so e other dates.
Q How long had the war been over when you came down here from Kansas? A Two years , I had been discharged two years when I came.
Q Then you came here two years after the war? A Yes sir, when I was discharged.
Q Well you wasn't discharged until after the war clos d was you? ANo sir
Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.
Q You didn't get to the Territory then until in '67? A Got here in '66; I left Iowa in March '66.
Q Did you come to Chetopa before you came here? A Yes sir.
Q What was there? A Old Dr. Lyle lived there, and called it Chetopa.
Q Was there any stores there? A It is still there yet, yes sir.
Q I asked if there were any stores there at that time? A Log shanty.
Q Store? A No sir.
Q Did you ever get a into any trouble there at Chetopa before you came here with a man named Gage? A I dont think I did, I dont recollect the man, or the name.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Cattle stealing.
Q Where? A Here in the Territory.
Q When? A About 4 or 5 years ago.
Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker for it and the Grand Jury didn't find a bill against me.
Q Were you ever arrested before that? A I dont think I was.
Q You would be apt to remember it if you had been wouldn't you? A If I was I dont know it.

This will also be filed and made a part of the record in Cherokee Freedman doubtful cases D-416; D-666; D-705; D-725, R-94 and R-122.

Chas. von Weise, upon oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 14th of October, 1901

Commissioner.

9116

File with C. F. D-866.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:
Mellette & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewheres about '62.
Q Well how long did he live in that country after you got acquainted with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when yougot acquainted with him? A No, sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sukie, if I don't forget it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Ross.
Q Well now was he living with her when he left that country? A No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '66 or '67.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q Well, do you know whether or not he married after this wife died?
A I couldn't say as to that; he left there, all of the Peas left there.
Q What other members of the Pea family were there that you knew?
A Well, there was his uncle Ben Pea, and his mother, Millie Pea, and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie Pea, that amounted to the whole family.
Q And his wife died either in '66 or '7, this Susan Pea? A Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live--- A At Mapleton, Kansas, Bourbon County, Kansas.
Q How long have you lived there? A I have been in Mapleton ever since '61, December, '61.

Q After you went to Mapleton did you get acquainted with a colored man by the name of Charlie Pea? A I did.
Q About how long had he been there before you got acquanited with him? A Well now I don't remember how long he had been there; about '62 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Pea, he was a blacksmith.
Q That is the old man or Charlie? A No, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Pea, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '67.
Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but then he didn't marry there.
Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Pea's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Pea? A I knew the whole family of Peas, the old man, and well, there was Ben and the old lady that lived-there was his sister,-now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Mapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 46 years.
Q Well, did you know a colored man by the name of Charlie Pea there about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Ross.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made part of the record in the following Freedman cases: D-416, R-84, D-686, D-705 and D-725, in addition to the case at bar, D-415.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Bronnimer

Subscribed and sworn to before me this 19th day of April, 1902.

[illegible]
Notary Public.

Arthur C. Nyquist, Assistant Secretary of State, under date of May 10, 1948, forwarded to the Secretary of the Senate a letter from the Secretary of State, dated May 10, 1948, transmitting, pursuant to law, a report of the Department of State for the calendar year 1947.

F. D. 415.

To be filed with C. F. D. 666, Mary C. Lane et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 16, 1902.

In the matter of the application of Josh Vann et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-415.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Margaret Perkins.
Q What is your postoffice, Mrs. Perkins? A Mapleton, Kansas.
Q You testified once before in this case? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know Susan Pee? A Yes, sir.
Q After Charley Pee's wife died, did you know whether he married again or not? A Well, yes, sir, I know he was living with another woman.
Q Well did you know her name? A Her name was Sukie Vann.
Q Sukie Vann? A Yes, sir, I knew her and her mother and brother.
Q Was that before or after the death of his other wife? A Yes, sir, after the death of Susan, after Susan was dead.
Q When did his first wife die? A She died in '67.
Q '67, and afterwards you knew he was living with Susan Vann, Sukie Vann? A Yes, sir, with Sukie Vann.
Q Did Sukie Vann have any children that you know of? A Yes, sir, she had three, tow was with her, and one lived at Posey Gibson's, her oldest.
Q What was his name? A His name was Josh, light colored boy, good big boy.
Q Well now do you know who Josh's father was or said to be? A Yes, sir, said to be, said, yes, sir. His mother's young master, Cull Vann, was said.
Q Claimed his young master, Cull Vann, was his father? A Yes, sir.
Q About what time did they leave that country? A Left anyway '67 or '68.
Q After his marriage to her? A After, yes, sir.
MR. SMITH: Now are you talking about Charley Pee? A Yes, sir, Charley Pee.
Q Well do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A No, sir, he was a young man for quite a bit.
Q Well did he marry while he was there where you lived? A Yes, sir, he married right there in the neighborhood.
Q Who did he marry? A Married Susan Ross, a girl that lived right there by us, too, on our place.
Q When did she die? A She died '67.
Q What makes you think it was in '67? A From the age of my daughter. Well one thing that makes me think it was, in '68 my husband bought a school quarter of land, and then the Pees leased the land for three years, it was in October, '66, and they leased

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it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 this woman she had the consumption, and she was there off and on till along- oh, several times she was there.
Q When did he marry her? A He married her in about '64, must have married her about , '64, they care there in about '62, and must have been about '64 or '5 that he married her.
Q Well who was this woman that you say he lived with after Susan died? A Her name was Sukie Vann, she was the daughter of Lettie Vann, and after she came to that country she lived around there lived with a man by the name of Gilbert Vann, and those other two children, the first child that she had, she had three children, the first one the same name as the others, wasn't full brothers you know, she lived with this Gilbert Vann of the same name you know; her mother's name was Lettie Vann, she had a brother by the name of Dick Vann.
Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well about - well, after she died, oh then would take this woman occasionally on trips to Ottawa, and he was with his mother, old dame Millie Pee, and Aunt Millie used to want sometimes for him to take her to Ottawa. Well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.
Q Well how long would he be gone when he would go away? A They there was a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go off and leave Susan that way sometimes. His first woman you know he would go up there occasionally and come back.
Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his sister, and they would go back and forth, and they would come back, and "Well, we have been gone to Ottawa," they seemed to have business there or visit or something; it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.
Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never spent - you know he would make several trips in the spring or summer you know, he would never spent very long of the time; why he couldn't make two or three trips I know which I -
Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.
Q Well now what makes you think it was in '66 that your husband bought the lease of land? A Well, the reason it was school land sales, and the school land sales was the 15th of October, 1906; and we have the deed of it; I have the numbers of land, '66. I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.
Q Well do you remember all this time or have you had to go back and look that up? A I didn't have to go back to look it up for I have the deeds yet.
Q The deed? A The deed to the school quarter.
Q Where is that deed? A I haven't it with me.
Q Got the deed at home? A Yes, sir, I have the deed at home.

Q That was the 15th of October, 1866? A '66, October.
Q Well now how long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week; do you actually know when the lease was made of your own knowledge to be able to swear to it? A Oh, yes, I could swear to it; it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter. He told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a double log house, and they was there that fall and winter getting it put up before they got moved in it.
Q Now who was that who moved in? A Why Charley Pee and Ann Pee, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Pee and his wife, and Uncle Ben Pee was the ones that worked and built the house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.
MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Q Mr. Davenport examined you before in this matter? A Yes, sir.

J. M. PERKINS, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A J. M. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been down here before as a witness in the case of Susan Vann or Susan Pee and her son Josh Vann? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Long.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Pee? A Well he went to live with Susan Vann?
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did she have any by the name of Josh? A Yes, sir, that was her- my understanding that was her oldest one, Josh.
Q Did you ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q Who? A Culler Vann, that was what I understood, was Cull or Culler Vann, that's what they called him.
Q How long did you know them there after he went to living with Sukie Vann? A Well-
Q About what time did they leave that country? A He left there some time in '68, either, sometime in '68.

Posey Gibson and Charley Pee and the old man Pee all moved in here somewheres about Chetopa in '68, that was my understanding, that's where they went to.
Q You knew them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.
Q How near did they live to you? A Well they were just about, they was about four miles.
Q You knew Posey Gibson, too, did you? A Oh, yes, sir.
This Josh Vann, son of Sukie, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann, Well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert, Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.
Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I think. I think he lived there as much as three or four years with Posey Gibson.
Q And you say Posey Gibson never left there till '68? He never left until up in '68, they all left there about the same time, they all left there about the same time.
MR. SMITH: Why, Mr. Perkins, did you get a lease, but some school land up there? A No, that was my wife's first husband.
Q It was? A Yes, sir, I know about the date, I was living right there when the deal was made mind you.
Q When was that? A Well, that was in, I can't give you the numbers of the land.
Q No, the date I am asking about? A Oh, that was in '66.
Q What time? A In '66, October I think, about the 15th, that was; I bought some school land about the same time, about '66.
Q Well now after that school land was bought how long did these people the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.
Q Where were you living? A I was living in Napleton all this time.
Q How far from that school land? A About four miles.
Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.
Q Little over a year? A Yes, sir.
Q Well was he living on it at the time he left to go away from what country? A Jackson?
Q Yes, sir? A Yes, sir.
Q He and the Pees all went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.
Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.
Q Well when? A About, well about '67 or '8, somewheres along there, and then he was on the school land about a year, I believe

in '68.
Q When did you think he went on the school land? A Well he went on the school land - well that school land was purchased in October, '66, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '66 before he went on it? A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '66. Well it was that next winter that he built on it, he went; but you see he bought it in October, '66.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people; I never knew the Pees lived on it. Charley lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I a'n't sure but they was on that now; I can't be positive about that, my woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after th y left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she? A Yes, sir.
Q When were you married to her? A We was married in '88, '89.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: D-416, R-94, D-666, D-707, D-725, and D-415, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

(Seal) (Signed) P. G. Reuter,

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur C. Evans.

Subscribed and sworn to before me this 28th day of July, 1903.

Bruce C. Jones
Notary Public.

File with F. D. 666, Mary C. Lane et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MAY 31, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and children as Cherokee Freedmen. Testimony in behalf of applicants.

Applicants appear by Mellette & Smith;
Cherokee Nation by W. W. Hastings.

THOMAS H. MOORE, being sworn and examined, testified as follows:

MR. SMITH: State your name? A Thomas H. Moore.
Q Where do you live? A Ketchum, on Grand river.
Q How old are you? A Fifty years old.
Q Do you know Susan Pee? A Yes sir.
Q How long have you known her?
A The first time I saw her was right away after the war.
Q Where was it you saw her? A Saw her on Russell Creek.
Q In what Nation? A Cherokee Nation.
Q What yaer? A '66.
Q What time in the year? A In the fall.
Q What was she doing there? A He lived there.

W. W. Hastings: How old are you? A 50 years old.
Q How old were you in '66? A I was about 16 I guess, somewhere along there.
Q You were going to school in Kansas then were'nt you? A No sir.
Q You are not on a straight card yourself are you? A No sir.
Q You are a doubtful colored person? A I guess so.
Q Who was Susan Pee living with when you first saw her? A She lived on Russell Creek and with her children. Her husband do you mean? Her husband was Charley Pee.
Q You did'nt see him at that time? A No sir.
Q Was he there? A No sir.
Q Where was he? A I don't know.
Q Did'nt they tell you where he was? A I stayed there all night.
Q Did'nt you hear them say anything about him? How long had she been married to Charley Pee? A I don't know.
Q How far was this house from Chetopa, Kansas?
A I don't know, there was no town there then.
Q How far was it from the State line of Kansas? A I don't know how far it was, somewhere on the creek as near as I remember.
Q It was somewhere in the United States of America isn't it?
A It was in the Cherokee Nation, on Russell Creek.
Q How far from the line was this cabin on Russell Creek?
A As near as I can remember—— I don't remember where the line is. I only know by the roads.
Q You don't know whether it was in the Cherokee line or in the Kansas line? A We come right along there right often and when I went

back there where she was living we stayed there all night.
Q Who stayed with you? A Lewis Rowe and Levi Bird.
Q Was it the Henry Bird over at Tahlequah? A No sir, it was Levi Bird.
Q What were you doing going back up there? A We went back up there to get something to eat; it was hard time up there.
Q You did'nt come until '68? A I come in '65.
Q Do you know this is the date sep apart for the closing of freedmen testimony? A Yes sir.
Q Notices were sent you two or three months ago?
A Yes, I gt a notice.
Q You live near Vinita? A 15 miles east of Vinita.
Q This Commission sat at Vinita two different times hearing freedmen testimony and you were around there a good deal? A Yes sir.
Q And you never then come in to testify, you waited to come something like fifty or sixty miles down here, and waited until the last evening so that it could not be rebutted-- not until the last time?
MR. SMITH: I object.
A The people did'nt know until we got to talking about it; I have talked about it since then and raked this up; we have been talking about it ever since I got these notices refreshing my mem'ry.
Q How long ago? A Ever since this Court is going on.
Q When did you refresh your memory about this case?
A From time to time.
Q But the first time, you refreshed your mind while the court was at Vinita? A Yes sir.
Q Why did'nt you go in there? A I was'nt asked to testify.
Q You were how old when the war closed? A About 16.
Q You were about 16 years old, is that correct, when you saw these people? A I was about 16 when I saw these people. As near as I can remember it has been so long. A lot of things I forget but they come back to me. Lots of these things come back fresh to my mem'ry when I never have thought about it before.
Q This was brought fresh to your recollection the last evening of taking testimony was'nt it? A No, not altogether.
Q They had a family up there did'nt they? A I don't know, we only stayed all night there. I don't know what they all had there; we stayed there all night and went from there to Baxter.
Q You knowedher before the war? A I seen her often in Kansas.
Q What place in Kansas? A Near Hobbs' Mill, is the first time I saw her
Q Near what town is that? A I don't know, hear Hobbs' Mill, near Mapleton I guess.
Q How many children were they there that night?
A She had about three children.
Q Name them? A Joshua, Jesse and Martha.
Q About how old was Martha? A I don't know.
Q Martha was by her last husband? A No sir.
Q Was she by her former husband? A Yes sir.
Q What kind of a house did she have? A A log cabin.
Q Was it right on the creek? A No sir, it seemed to be about one mile or two miles from the creek as near as I can remember.
Q How old was Josh at that time? A I don't know exactly, but he was about 10 or 11 years old. I don't know, I did'nt know nothing about his age.
Q There was'nt any man there? A Not that I remember of.
Q They had no wagon or team there? A I don't remember what they had there.
Q Was it spring or fall? A It was fall.
Q What year did Wallace make that roll? A '89.
Q Well was it '88? A As near as I remember it must have been '89.
Q Are you certain of it? A AS near as I can remember.
Q Well, you and Bird and Lewis Rowe went back up north did you?
A Yes sir.

Q You have never told me how far this house is from the line?
A I don't know how far it was, I don't know how far the line was, but it was somewhere on the Creek.
Q Do you think it was on or twenty miles from the line?
A About 2 1/2 miles as near as I can remember.
Q Did you see any other house around there? A I don't remember.
Q When did you next see Josh and his mother?
A Some five or six years they moved down on the river below us.
Q Did you ever have occasion to go back to that place? A No sir.
Q You did'nt go back there from Kansas? A No sir.
Q You come back another way? A We did'nt go near there.
Q You never saw them until five or six years after that
A No sir, not until I saw them down here.
Q You don't know how long they had been living up there? A No sir, the old man went by there, this woman was the old man's relation and we stayed there all night. It was her step-father.
Q Whose step-father? A Lewis Rowe was my step-father.
Q Captain George was'nt along with you? A No sir.
Q And you never attempted to give testimony in this case until the last day have you? A I never was asked for any testimony.

MR SMITH: When did you come to Muskogee this time?
A Thursday morning of this week.
Q Were you here last Thursday when we were taking testimony?
A Yes sir.
Q Was Josh Vann here? A Yes sir.
Q Were you waiting here to give testimony then? A Yes sir.

W. W. HASTINGS: You received notice last March that it was going to close on the 31st day of May? A Yes sir, from the Commission.
Q And you saw it in the paper? A Yes sir.
Q And you waited until the last day? A Yes sir, I had to come also to see about my own boy that was on a doubtful card.
Q You found it out then that you knew something about this case?
A I knewed it before but I was not called before.

Counsel for applicant moves to have all questions and answers stricken out relative to testimony being taken on last day because it is incompetent, irrelevant, and does not tend to show an issue in this case.

W. W. HASTINGS: The Cherokee Nation in reply to that desires to say that it is a strongly suspicious circumstance that the applicants who filed their cases more than a year ago at the town near which they lived, the same being Vinita, in this case, and having received notice that the testimony would all close, they bring the witnesses here and introduce them on the evening of the last day in order that the Cherokee Nation might not have the time or the opportunity in order to rebut the same, particularly when these witnesses which they bring were witnesses who trailed after the Commission at nearly every place the Commission met when abundant opportunity was given to testify and they did'nt avail themselves of it. We say that it is a suspicious circumstance and it is one that the Commission should take into consideration.

MR. SMITH: The counsel for the applicant in support of the motion suggests that the applicant had a perfect right to rest upon the testimony offered and also the right to exercise their judgement as to whethera after the testimony had been introduced by the Cherokee Nation it was expedient for them to offer any further testimony, and that they are simply exercising the rights afforded them under the rules of this Commission.

W. W. HASTINGS: The Cherokee Nation in answer says: That under no rule or pleading is this testimony admissable; that the applicants in this case under the practice in all ocurst at this time, would only be permitted to introduce rebuttal testimony to offset any testimony heretofore introduced by the Cherokee Nation, but would not be permitted to introduce original testimony in support of their case; that rebuttal testimony is to offset testimony introduced by the defendant, wheras this testimony is testimony in support of the original application.

MR. SMITH: The counsel for the applicant is willing to submit the case without further argument.

The testimony will be filed and made a part of the record in this case.

Witness re-called by MR. SMITH: Q Do you know John Pee? A Yes sir.
Q Whose son was John? A Susas Pee.
Q What do you know about John, is he living or dead? A He is dead.
Q What causedhis death? A He was shot down by John Davis at Vinita; I was'nt there but I saw him after he was killed.
Q Was John Pee the brother of Josh Vann? A He was a half-brother.
Q And you say by the same mother? A Yes sir.
Q Susan Pee was his mother? A Yes sir.
Q And you say that John Pee was shot by John Davis? A Yes sir.
Q Who was John Davis? A Son of Bill Davis.
Q Was he a Cherokee citizen? A Yes sir.

W. W. HASTINGS: This killing was done after the 1896 roll was made? A Yes sir.
Q And the killing took place before the Curtis Bill was passed did'nt it? A Yes sir.
Q And the fellow was'nt convicted was he? A No sir.

MR. SMITH: Was he tried by a jury? A Yes sir, by the Cherokee court.
Q Were you there? A No sir, I was'nt there.

FRANK ROSS, being sworn and examined, testified as follows:

BY MR. SMITH: State your name? A Frank Ross.
Q How old are you? A 54 years old.
Q What is your post-office? A Hayden.
Q Do you know Susan Pee? A Yes sir.
Q Where does she live? A She lives on Grand river.
Q Do you know Josh Vann? A Yes sir.
Q What relation is Josh Vann to Susan Pee?
A Claimed to be her son.
Q How long have you lived in the Cherokee Nation? A All my life.
Q When did you first see Susan Pee in the Cherokee Nation after the war? A In the fall of '66.
Q Where? A On Russell Creek.
Q Where is Russell Creek? A This side of Chetopa.
Q About how far from where Vinita now stands to the place where you first saw her then? A As near as my judgement it is thirty miles.
Q What was she doing there? A She was living there.
Q Did she have any children there? A Three.
Q What are their names? A Josh, Jesse and Martha.
Q How long after that did you see her again? A About two years.
Q Where was that? A About near Brices Creek, in the Cherokee Nation.
Q How long before that when you saw her again? A About one year or maybe longer.
Q Then where did you next see her? A I have seen her off and on ever since.
Q Where? A In Vinita, Grand river.

Q Is Grand river in th Cherokee Nation? A Yes sir.

W. W. HASTINGS: FRANK, have you missed a single session of the Commission? You have been to all of them?
A Yes. I have been to all of them.
Q Were you up at Vinita when these people made this original application last spring? A Yes, I was there awhile.
Q You were there as a standing witness for a number of people?
A I never witnessed for none.
Q Did you ever refuse to testify for any single fellow?
A Yes sir, for lots of them.
Q You went to Chelsea? A Yes, if I had knowed them I would have testified for them.
Q You testified there in a number of case? A Yes, a few.
Q You went to Nowata? A Yes.
Q And you testified there? A Yes, for a few.
Q Where did you live in '66? A Part of the time on Brice's Creek and part of the time on Grand river.
Q Tell me a single man that you refused to testify for?
Q I don't that I can tell the name.
Q Is there any one that you refused to testify for? A Yes.
Q Name one of them? A I don't know that I have to.
Q Name them? A I refused to testify for two or three of them.
Q Name one of them? A I refused to testify for Jim Landrum.
Q Where did you refuse to testify for him? A At Vinita.
Q Did Josh ask you to testify in his case?
A He asked me if I knew him and recollect him.
Q When did he ask you? A Last Spring.
Q Did he ask you to testify for him? A He said if he needed me he would.
Q He did'nt need you then? A I don't guess he did.
Q And you waited until the last day for the purpose of coming down here so that you could not be contradicted did'nt you?
A No sir, I come here last Wednesday.
Q Who was with you at Russell Creek? A Alex Johnson.
Q Is he dead? A Yes, he was killed over at Gibson.
Q You knew he was dead too did'nt you?
A Yes, of course I knew he was killed.
Q Didyou see Charley Pee up there? A Yes sir.
Q How manychildren did he have by this woman at that time?
A They did'nt have any.
Q He was living there at that time? A Yes, he was living there.
Q Well how large a field did they have round there?
A They did'nt have any field that I saw.
Q He had a house did he? A He had a log hut.
Q About what time of the year was it? A About the first of the fall.
Q And you have remembered it now for 36 years?
A I remember it well.
Q Can you read or write? A I can read a little; I can't write.
Q What year did Wallace make the roll in this country?
A Along about '86 I think.
Q What year were you married? A I was married in '66, in the winter.
Q Where? A I told you yesterday.
Q Where? A Iola, Kansas, in February of '66. The next day after I got married I come right home.
Q Don't you know Charley Pee was'nt married to this woman until '68, in Kansas? A I know he was there; I don 't know he married there.
Q He lived there as husband and wife?
A Yes sir, they were together.
Q And that was in '66? A Yes, that was in the fall of '66.
Q You are certain of that? A Yes sir.
Q You swear that Charley Pee was living with his wife as husband and wife in the fall of '66? A Yes sir.

Q Is this woman any kin to you? A No sir, not that I know of.
Q Did you refuse to testify for any one besides Jim Landrum? A Yes.

Counsel for the applicant objects because the question does not tend to prove an issue in this case.
COMMISSION: Answer the question.
A I refused to testify for Harry Still.
Q How far was this cabin from the bank of Russell Creek?
A I don't know exactly how far it was; it was'nt very far.
Q Did they get water out of that creek?
A Yes, they got water from somewhere around there.
Q How long did you stay there? A I stayed all night there. I had been up— there horses were stolen and we stayed there all night and come back home.
Q How far did you follow the horses? A Up close to the Osage Nation. There were only a few houses up there.
Q How far was this near the Kansas line where the applicants lived?
A I don't know how close it was then.
Q About how far? A I could'nt say.
Q What is your best judgement? A It might have been 25 or 30 miles from the Kansas line.
Q That is your best judgement? A Yes sir.
Q Was Chetopa located there? A There was a trading post there then.

This testimony will also be filed and made a part of the record in the cases of Mattie Vann et al., D-725; Lettie Muldrow, et al., D-705 and Mary C. Lane et al., D-666, as well as the case at bar, being that of Josh Vann, D-415.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger

Subscribed and sworn to before me this 14th day of June, 1902.
Seal.

(signed) P. G. Reuter
Notary Public.

I, Mattie E. DeWitt, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E DeWitt

Sworn to and subscribed before me this 15th day of August, 1902.

Bruce B Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Josh Vann, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Josh Vann, et al.,.....	Cherokee	Freedmen	D 415
Lettie Brown, et al.,....	"	"	D 705
Mary C. Lane, et al.,....	"	"	D 666

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Josh Vann for himself, his minor children, George, James, Cull and Eva Vann, and for his mother, Susan Pee; by Lettie Muldrow (now Brown) for herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch and Howard Brown; that subsequent to the date of her application supplemental testimony was taken before the Commission showing that the said Lettie Muldrow was married, on July 22, 1901, to one William Brown, and she will therefore be styled Lettie Brown in this decision; and by Mary C. Lane for herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Ines L. Downing.

The evidence shows that the said Susan Pee and her son, Josh Vann, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken to Kansas during the rebellion and did not return to and establish a residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866 and are the descendants of the said Susan Pee and Josh Vann respectively; and that they have no rights to enrollment except as such descendants. None of the applicants herein are identified on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josh Vann, George Vann, James Vann, Cull Vann, Eva Vann, Susan Pee, Lettie Brown (formerly Muldrow), Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane and Inez L. Downing, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1900

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

RECEIVED
SUPT. S. C. TRIBES
JUL 13 916
ENCLOSURE TO
SUPT. No. 3791

WASHINGTON, JUN 10 1916 191

I, E. B. Meritt, Assistant, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears of record in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

E. B. Meritt
Assistant Commissioner.

6—1931



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Mary . Lane,
Unite, I. T.
Cherokee-F-D-666.
Register.

Cherokee Freedmen
I-413 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 22, 1904, in the consolidated case of Josh Vann et al., rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Lee, Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Millie Lane and Inez L. Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-50

Commissioner in Charge.

Cherokee Freedmen
D-415 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josh Vann et al., including the Commission's decision, dated March , 1904, rejecting the applications for the enrollment of Josh, George, James, Cull and Eva Vann, Susan Pee, Lettie Brown, Martha Lynch, Ollie Vann, Richard Clinch, Howard Brown, Mary C. Lane, Myrtle, Jessie, Susan and Ora Martin, Willie Lane and Inez L. Downing as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enc. E-51

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-666

Muskogee, Indian Territory, March 22, 1904.

Mary C. Lane,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Josh Vann et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Myrtle, Jessie, Susan and Ora Martin, Millie Lane and Inez L. Downing, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. D-49

COPY

Refer in reply to
the following:
Land.
20429-1904.
50600-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated March 22, 1904, forwarding the record relative to the application of Josh Vann, et al., for enrollment as Cherokee freedmen.

Josh Vann applied for the enrollment of himself and his minor children, George, James, Cull and Eva Vann, and for the enrollment of his mother, Susan Pee. Lettie Brown, formerly Muldrow, applied for the enrollment of herself and her children, Martha Lynch, Olive Vann, Richard Clinch and Howard Brown. Mary C. Lane applied for the enrollment of herself and her children, Myrtle, Jessie, Susan and Ora Martin, and Millie Lane and Inez L. Downing.

It is shown by the record that Lettie Brown applied as Lettie Muldrow, and was married to William Brown July 22, 1901, which was subsequent to the date of her application.

The Commission say that the evidence shows that Susan Pee and her son, Josh Vann, were slaves of Cherokee citizens at the commencement of the war; that they were taken to Kansas, and did not return and establish a residence in the Cherokee Nation on or before February 11, 1867; and that none of the applicants are therefore entitled to enrollment.

Their decision is dated March 8, 1904.

The

The record shows, as stated by the Commission, that Susan Pee and Josh Vann were slaves of Cherokee citizens at the commencement of the war; that during the war they went to Kansas; and that all of the other applicants herein were born since 1866, and are the descendants of Susan Pee and Josh Vann. The office does not agree with the Commission's decision.

Of the applicants mentioned the following are identified by the Kerns-Clifton roll of freedmen of the Cherokee Nation, to wit:

Josh Vann,	No. 3863.
Thomas Vann,	" 4032.
Cull Vann,	" 4033.
Eva Vann,	" 4034.
Susan Pee,	" 3852.
Lettie Brown, daughter of Susan Pee, as Pee.	No. 3857,
Martha Lynch,	" 4089.
Olive Vann,	" 4091.
Richard Clinch,	" 4092.
Mary C. Lane,	" 2959.
Myrtle Martin,	" 2960.
Jessie Martin,	" 2961.
Susan Martin,	" 3931.
Ora Martin,	" 3932.

Millie Lane and Inez L. Downing were born since the Kerns-Clifton roll was made. George Vann, son of Josh Vann, does not seem

to be identified by said roll, unless he is the George Vann whose name appears thereon opposite No. 4031. The age of the George Vann opposite this number is given as 50 years, while George Vann, son of Josh Vann, was 16 years of age June 27, 1901.

As Josh Vann and all of his children, except George, are identified by the Kerns-Clifton roll, and as the George Vann whose name appears opposite the number mentioned is shown by said roll to have been a resident of the Cooweescoowee District, and as Josh Vann and his children were residents of that district, and as No. 4031 just precedes the number opposite the name James Vann, second child of Josh Vann, it is very probable that the George Vann whose name appears opposite said number is the son of Josh Vann, and that the age as given by the Kerns-Clifton roll is an error.

Josh Vann testified that he was born in the Saline District, Cherokee Nation; that he was taken out of the Nation to Kansas during the war; that he has lived in the nation all of his life, except while he was in the State of Kansas; that his mother belonged to Joe Vann, a Cherokee citizen, and thar Cull Vann, a Cherokee citizen, was his reputed father. He testified that he returned to the Cherokee Nation during the summer of 1866 and settled on Russell Creek, about three miles from Chetopa, Kansas. He has been out of the nation off and on since his return, but his absence therefrom has not been of such character as to expatriate his citizenship if he complied with the requirements of the treaty. His mother, Susan Poe, seems to have remained in the nation since her return.

Josh Vann was accused of having killed a man, and was out of the nation part of the time, scouting, on account of this accusation. His testimony with reference to his return and the return of his mother is absolutely supported by that of Arthur Bean, Allen Lynch, Harry Still, Thomas P. Moore and Frank Ross, and there is not a scintilla of direct testimony in the record which contradicts the testimony of Josh Vann and the persons just mentioned as to his return to the Cherokee Nation, and the return of his mother.

George Walker testified that he did not know Josh Vann and Susan Pee, and that, "I don't know that I know them." He also testified that he lived eight or ten miles from Russell Creek; that he never saw them in the vicinity of Russell Creek, but did not know whether they were there in 1866.

W. L. Trott testified that he did not know whether he knew Josh Vann; that he did not know Shookey Pee, Josh Vann's mother; that he moved to Russell Creek in the spring of 1866 and lived there until that fall; and in reply to the following question he said: Q. "You don't know if any colored people stopped there in the fall of '66 and stayed there until the winter of '66 and 7?" A. "No sir I can't tell you what happened after I left there."

J. C. Trott testified he did not know of any family living on Russell Creek in 1866, except his own family; that he was not personally acquainted with Shookey Pee, or Josh Vann, her son; that he did not see them on Russell Creek in 1866, and that people might

have been camped in that vicinity without him having known it, if they had "been in a holler log or something like that."

William M. Noble testified that he has lived in the Cherokee Nation since 1866, between the mouth of Fly and Cherry creeks, on what is known as Short creek; that his home s is about two and one-half miles from Chetopa, Kansas; that he was on Russell Creek in 1866; that "Mr. Trott was there; that the first house was built on the creek in the spring of '66;" that no other houses were built on Russell Creek during the year 1866; that there was a shanty which belonged to Oliver Morris; that he was not acquainted with Chookey Pee or Josh Vann, but had heard of Josh Vann; that he was backward and forward on the creek until the spring of 1868; and that he did not see any colored people there or any houses in 1866.

S. W. Armstrong testified relative to having known Charlie Pee and his wife, Susan, who was also known as Sukie Ross, and who died about 1866 or '67. He said that they lived on a farm in Bourbon county, Kansas, which adjoined his.

Margaret Perkins testified that she knew Sukie Vann and Josh Vann, and that Josh's father was reputed to be his mother's young master, Cull Vann; that they left Kansas "anyway '68 or '9." In this testimony she seems to have been testifying about Charlie Pee. Her testimony tends to indicate that the Pee family, including Josh Vann, lived on land purchased by the Perkins' October 15, 1866, until some time in 1868 or 1869. Her testimony in this particular, however, is contradicted by that of her husband, J. M. Perkins, who testified that a man by the name of Jackson, who had married one of

the Pee girls, lived "on that school land, and I don't remember that Charlie Pee ever lived on that land, if he did I don't remember; he lived in the same neighborhood." He also testified that said Jackson went to Humboldt, Kansas, about '67 or '68, and that he never knew of the Pees living on the school land purchased by him October 18, 1866.

In view of the record in this case the office cannot concur in the Commission's decision. Josh Vann testified that he returned to the Cherokee Nation in the summer of 1866 and settled on Russell Creek, at a point about three miles from Chetopa, Kansas. This testimony is positively corroborated by the testimony of five witnesses in the case, and none of the other witnesses, of whom there are seven testified that he did not return at that time. They did testify, however, that they did not see him on Russell Creek during 1866, but testimony of this character is not sufficient to overcome the positive testimony of the applicant himself, and that of five witnesses, that he complied with the provisions of the treaty.

In view of the record in the case it is respectfully recommended that the decision of the Commission be not approved, and that the Commission be directed to enroll all of the applicants as Cherokee freedmen.

There is enclosed a communication from R. W. Blue and . . Clover, attorneys for Lettie Brown, requesting that no action be taken concerning this case until they have had an opportunity to be heard, which was referred to this office for proper action July 26 last.

Very respectfully,
(Signed) A. C. Tonner,
Acting Commissioner.

CAT-Ma

(C O P Y)

D.C. 29369-1904. W.C.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHR

I.T.D. 6350-1904. August 11, 1904.

L.R.C.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Josh Vann, et al (D-415), including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter August 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be not approved, and that you be directed to enroll all of the applicants as Cherokee freedmen. A copy of his letter is inclosed.

You are directed to notify the principal applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to submit argument in the matter, and the applicants ten days within which to answer same.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-666.

Muskogee, Indian Territory, August 26, 1904.

Mary C. Lane,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of departmental letter of August 11, 1904, in the matter of your application for the enrollment of yourself and others as Cherokee freedmen. The Commission's decision in which case, rejecting your application, was forwarded to the Secretary of the Interior for review on March 22, 1904.

In accordance with instructions contained in said letter, you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, a copy of which they will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

Respectfully,

Chairman.

Encl. S-21.

Cherokee Freedmen
D-415-666-705.

Muskogee, Indian Territory, August 27, 1904.

Watkins, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of departmental letter of August 11, 1904, in the consolidated case of Josh Vann, et al., embracing the applications of Josh Vann, et al., Cherokee Freedmen D-415, Mary C. Lane, Cherokee Freedmen D-666 and Lettie Muldrow, et al., Cherokee Freedmen D-705. The Commission's decision in which case, rejecting the applications, was forwarded to the Secretary of the Interior for review on March , 1904.

In accordance with instructions contained in said letter, you are advised that you will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as you may desire to submit in said case, copies of which you will be required to furnish each of the principal applicants and their attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Chairman.

Encl. S-24.

COPY

Muskogee, Indian Territory, October 18, 1904

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 11, 1904 (I.T.D. 6350-1904), there is herewith transmitted argument filed with the Commission by the attorneys for the Cherokee Nation in the consolidated freedmen case of Josh Vann, et al., Cherokee Freedmen D-415, et al., together with reply brief on behalf of the applicants.

Respectfully,

Encl. B-27

Chairman

D. C. 43697-1905.
I.T.D. 6350-1904.
7074-1905.
LRS.

W.C.F.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON. September 13, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 22, 1904, the Commission to the Five Civilized Tribes transmitted the record in the Cherokee freedman case of Josh Vann et al., including the applications of Josh Vann for the enrollment of himself and his minor children, George, James, Cull, and Eva Vann, and for his mother, Susan Pee; Lettie Brown, nee Muldrow, for the enrollment of herself and her minor children, Martha Lynch, Ollie Vann, Richard Clinch, and Howard Brown; of Mary C. Lane for the enrollment of herself and her minor children, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane, and Inez L. Downing.

On March 5, 1904, the Commission decided that the applicants are not entitled to enrollment for the reason that in the opinion of the Commission applicants Susan Pee and Josh Vann, through whom the other applicants claim right to enrollment, did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

Reporting August 9, 1904, the Indian Office recommended

that the Commission's decision be not approved, and that all of the applicants be enrolled as Cherokee freedmen.

On August 11, 1904, the Department advised the Commission of the recommendation of the Indian Office and instructed said Commission to notify the applicants and the attorneys for the Cherokee Nation that they would be allowed time within which to file arguments in the case. Brief has been filed by the attorney for the nation, also reply brief in behalf of the applicants, both of which have received due consideration.

For the reasons stated in the Indian Office letter of August 9, 1904, a copy of which was forwarded the Commission with departmental letter of August 11, 1904 (I.T.D.6350), the Department concurs in the recommendation of the Indian Office that the applicants be enrolled.

The decision of the Commission is therefore reversed and you are directed to enroll all of the applicants as Cherokee freed men.

A motion has been filed by the attorneys for applicants Lettie Brown and her minor children that the case be remanded, and that upon a rehearing these applicants be enrolled as freedmen of the Cherokee Nation, for the reason that the decision of the Commission is contrary to the law and that said decision is also contrary to the evidence.

The attorneys for the nation request that if the Department deem the testimony presented by the Cherokee Nation insufficient

to show that the applicant Susan Pee remained in Kansas until 1868 or 1869 that the case be remanded to your office for further hearing in order that the said attorneys may introduce further testimony, of which they claim to be possessed.

Said motion is not made under oath. It fails to show that the evidence the attorneys desire to introduce could not have been obtained at the original hearing, neither did the attorneys give the names of the witnesses they desire to introduce or the facts to which said witnesses will testify. The Department does not therefore feel warranted in remanding the case, and the motion is hereby denied.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

Cherokee Freedmen

D-415, et al.

Muskogee, Indian Territory, September 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Vann, et al. F. D-415, Lettie Guldrow, et al., F. D-705, and Mary C. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of supplemental letter of September 15, 1905.

Respectfully,

W. O. Beall

Acting Commissioner.

JS

Incl. S-27

Cherokee Freedmen

I-415, et al.

COPY.

Muskogee, Indian Territory, September 22, 1905.

Wade H. Stanfield and
Thomas B. Foreman,
Attorneys for Josh Vann, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the applicants embraced in the consolidated applications for enrollment as Cherokee freedmen, of Josh Vann, et al., F.D-415, Lottie Muldrow, et al., F. D-705, and Mary E. Lane, et al., F. D-666, was reversed by the Secretary of the Interior and this office directed to enroll all of said applicants.

For your information there is inclosed herewith a copy of Departmental letter of September 13, 1905.

Respectfully,

W. C. Beall
Acting Commissioner.

LS

Incl. 3-26

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-666.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1905.

Mary C. Lane,
Vinita, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and minor children, Myrtle, Jessie, Susan and Cora Martin, Millie Lane and Inez L. Downing, as Cherokee freedmen, you are hereby advised that this office is in receipt of Departmental letter of September 13, 1905, wherein the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application, is reversed and this office directed to enroll you and your children.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

W. O. Beall

LS

Acting Commissioner.

(C O P Y)

Land
78756-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

October , 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Joseph Landrum and Carrie Landrum.

September 29, 1905, the Commissioner decided adversely to the applicants.

The record shows that the applicants, under the names of Joe Barnett and Boston Barnett respectively, are included in a partial roll of Creek Freedmen approved by the Department opposite Nos. 5344 and 5204 respectively, and have received their allotments of land in the Creek Nation.

As these applicants have been enrolled as citizens of the Creek Nation and have been given allotments as such, they are not entitled to enrollment as Cherokee Freedmen, and the approval of the Commissioner's decision adverse to them is recommended.

Very respectfully

C.F.Larrabee

Acting Commissioner

W.M. (W)

(C O P Y)

Y.P.
FHR

D. C. 48144-1905

I.T.D. 13330-1905

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 14, 1905.

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

September 29, 1905, you transmitted the record in the matter of the applications for the enrollment of Joseph and Carrie Landrum as Cherokee freedmen, including your decision of the same date, rejecting said application.

Reporting October 9, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

COPY.

Cherokee Freedmen

D 1202.

Muskogee, Indian Territory, October 31, 1905.

Carrie (or Cudge) Landrum,
(or Boston Barnett),
United States Penitentiary,
Fort Leavenworth, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 14, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED.

Commissioner.

LS
Incl. S-58

COPY.

Cherokee Fr.
D-1201
D-1202

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of this office, dated September 29, 1905, rejecting the applications for the enrollment as Cherokee Freedmen of Joseph Landrum (Cherokee Fr. D-1201) and Carrie Landrum (Cherokee Fr. D-1202), was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Tams Bixby.

Commissioner.

Encl. J-18



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



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~~Mrs.~~ Mary C. Lane,

~~Wanita~~, Indian Territory.

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Muskogee
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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Cher Fr 1483

Trans. from Cher Fr D1138

Cher Fr 1483

C-7-D-102

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 19 1901

Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 2, 1901.

In the matter of the application of Lizzie Sanders for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
I. P. Bledsoe, Esq., agent for the applicant;
Messrs. W.W. Hastings & Jo's Davenport, Att'ys for Cherokee Nation.

Q What is your name? A Lizzie Sanders.
Q How old are you? A 26 years old.
Q What is your post-office address? A Dawson.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Four children.
Q Give me the names of your children? A Charley Folsom.
Q How old is he? A 10 years old.
Q Next one? A Grover Sanders.
Q How old is he? A 7 years old.
Q Next one? A Margret Sanders.
Q How old is Margret? A She will be 5 years old in April.
Q Next child? A Clifton Sanders.
Q How old is Clifton? A 2 years old.
Q Are you married? A I isn't now, I have been.
Q What is your husband's name? A Isaac Sanders.
Q Were you married more than once? A Yes sir.
Q What was your former husband's name? A Jess Folsom.
Q Is he living? A Yes sir, both.
Q You are separated from him are you? A Yes sir.
Q Some other fellow pretty soon want you? A I don't know, I might if I have good luck.
Q What is your father's name? A Hack C. Davis.
Q What is your mother's name? A Easter Carter.
Q Is she living? A No sir, she is dead.
Q Is your father and father neither living? A Both dead.

By T. B. WILSON:

Q Where were you when you can first recollect, Lizzie? A I was when I first recollect I was up here 4 miles from Gowanock, on Cedar Creek.
Q Have you been living in the Nation all your life? A
A Yes sir.
Q You recollect anything about your mother? A Yes sir.
Q You know what her name was when she died? A Yes sir, her name was Easter Woodard, Carter was my father's name; he was married.
Q You say what her name was, you don't know though, in 1880, 20 years ago? A I don't know.
Q You know how many times your mother was married that you can recollect? A Yes sir.
Q What were her different names, she was Easter Carter also?
A One was Woodard one, and Carter one.
Q So was Woodard and Carter and what other name did she have?
A Foreman.

Mississippi consolidated roll of citizens of the Cherokee nation examined for applicant and mother and name not found;
Wallace roll of citizens of the Cherokee Nation examined for applicant's mother and name not found;

Q Are these children of yours all born in the Cherokee Nation?
A Yes sir, they was all born here in the Cherokee Nation.

BY COM'R MEDILL:
Q Is your name on any of the rolls yourself? A Yes sir.
Q Did you ever draw any money? A Yes sir, Lizzie Davis or Lizzie Sanders.
Q How did you happen to be Davis? A Because I took my father's name, Nick C. Davis.

Tom-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 170 #4366 Lizzie Sanders, Goowoneewee District; page 170 #4365 Grove Sanders, Goowoneewee District.

Q Now you were asked to Tahlon were you, did you have a husband named Jesse Tahlon? A Yes sir.
Q Was he the father of Charley? A Yes sir.
Q Did you receive checks drawn for Charley? A Yes sir.
Q By what name? A I never had the names put down, my husband was the one that drawed the money.

Tom-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child identified on page 171 #4371 Charles Tahlon, Goowoneewee District.
Wilson roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1880 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Were you ever married to Jesse Tahlon? A Yes sir, I lived with him three or four years.
Q Was this child born while you were living together as man and wife? A Yes sir.
BY MR. WESTON:
Q What was the first man you lived with? A He was the first man I lived with.
Q Who was the first man you had a child by? A He was the first man I had a child by.
Q You never was married to him? A No, sir.
Q You is living yet is he? A Yes sir.
Q And you afterwards married who? Isaac Sanders.
Q You married him did you? A Yes sir.
Q Preacher marry you? A Yes sir.
Q You have some children by him? A Four three.
Q Were you living with your husband when your child was born? A I was in Cedar Creek, 6 miles from Goowoneewee.
Q Where do you live now? A Here sir, I am living down on Vardaman.
Q How long have you known Annie at this enrollment? A Ever since Thursday evening.

ANNIE YANN, being duly sworn by Com'r Medill, testified as follows:

BY MR. MEDILL:
Q What is your name? A Annie Yann.
Q How old are you? A 56 years old.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know this applicant here Lizzie Sanders? A Yes sir, I know her.
Q How long have you known her? A When she was a little school girl, I don't know how old she was, about 6 or 7 years old I guess; she went to school at Goowoneewee.
Q Has she been living in the Cherokee Nation here all her life?
A That's more than I could tell; I have seen her here often,

but I don't know what she has lived here all her life or not; I haven't seen any Zeros else, I haven't seen her nowhere else.

Q You have [illegible] children or not? A Yes, I got one I know, that's Jesse Allen's child, Jonnie Poindexter's grandchild.

Q You say that Allen and Jesse Price lived together as man and wife, and that this child was born while they were living together?

A Yes sir.

Q You say this girl is there? A Yes sir.

Q [illegible] A Dexter Center.

Q [illegible] Dexter Center; you don't know how many times you've been [illegible] A No, but I've been in there being her friend and took dinner.

Q You [illegible] A Yes sir, for a while.

Q [illegible] Mrs. C[illegible], in Flint, her father loaned to Carter, but he was afraid that under Candy, Carter would [illegible] Carter to Candy, to whom the title was, in Flint.

Q Do you know whether or not her father went out of here during the war or not? A No I don't.

Q You don't know whether they were in or not? A No I don't know that.

MR. ADAMS: Don't quibble questions; talk in your own [illegible], for goodness sake.

MR. [illegible]:

Q Where did you first see her father after the war? A I saw him at the [illegible] in Flint.

Q What the was that? A It was [illegible] ago.

Q That's the [illegible] you saw him? A About the I ever remember seeing her.

Q When did you see her father? A This [illegible]?

Q Yes? A I saw him several times; I saw him [illegible].

Q When was the first time you saw her father after the war? A In [illegible]. I don't know I guess it was the [illegible].

Q She was from [illegible] A Yes, she was in and out since the war.

Q Where were they living when this girl was born? I don't know.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir, they was in [illegible].

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q But you didn't [illegible] A No sir.

MR. [illegible]:

Q Where did Dexter live before the war? A In Flint.

Q How far was that from where you live? A Oh, that was a long ways.

Q You have been [illegible] A Yes, I've been there [illegible] the war.

Q [illegible] A No sir.

Q You say Dexter came to Flint [illegible] A Yes sir, I saw her as I came through Flint.

Q How long before the war? A About a year or two before the war.

Q You know at what he [illegible] was living then? A No sir, I don't.

Q You really don't know who owned it? A Yes, I do.

Q Who? A Candy, Jack Candy I believe his name was.

Q In this warm dead now? A Yes sir.

Q You know the Candy family? A I know some of them, I knowed some of the girls that went to school at the Female Seminary, because I worked there.
Q Were you working at the Female Seminary when the war broke out?
A No sir, I was born in this, Saline District.
Q How long since you have been to Flint? A About 2 years I guess.
Q Do you know what that Candy's wife's niece was that she belonged to? A No I don't.
Q You know the members of the family? A I knowed Harriet and Martha.
Q Was that her own mistress? A Yes sir.

BY COM'R WINDLES:

Q Did you ever hear something about Candy selling Easter to Carter?
A No, Easter's father belonged to Carter, and Carter sold George, the Freedman, to Candy; that was way before the war; I was just a girl; because he had a wife there and he wouldn't stay at home, and they sold him to where his wife was; I was years ago.

BY R. ADKINS:

Q Mack Davis wasn't married when you saw him at Gibson? A No sir, not as I know of.
Q Did you ever see Mack Davis after that? A Yes sir, I saw him at Ft. Gibson time of the payment; that's the last time I saw him; I aint seen him since.

ELIE Thompson, being sworn by Com'r Dowell, testified as follows:

BY R. Thompson:

Q What is your name? A Elie Thompson.
Q What is your age? A 51 years old.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q Where do you live? A Catoosa.
Q Are you acquainted with Lizzie Sanders, the applicant in this case? A Yes sir.
Q How long have you known her? A I have known her since she was a year old, I guess.
Q Where did you first see her? A Up on Verdigris.
Q In the Cherokee Nation? A Yes sir, about 'Possum Creek.
Q You know whether she has ever intended to reside in the Cherokee Nation ever since that time? A I couldn't tell you; I have seen her a good many times at Vinita; they used to live there, but I don't know whether she was in all the time or not.
Q You know who her father and mother was? A Yes I do, yes.
Q Who? A Mack C. Davis and Easter Carter, Easter Davis you might call her after she married.
Q You know whether her father or mother were slaves or not? A No sir, I couldn't say. I know they was said to be Cherokee freedmen but I don't know whether they were slaves or not.
Q When did you first see them after the war, her father and mother?
A Possibly '71 or 2.
Q Where did you see Easter at in '71 or '2? A I said on 'Possum Creek, up the Verdigris.
Q Was Davis there with her, her husband at that time? A I don't know, she has changed husbands so many times I don't remember what she did have at that time, when it was.

Applicant, LIZZIE SANDERS, re-called and further examined;

BY COM'R WINDLES:

Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Are you keeping house? A Staying with my cousin.
Q Where? A On Possum Creek.

Lizzie Sanders et al 5

Q Children the m?A Yes sir.
Q What is your cousin's name?A Mary Jackson.

Com'r Needles: Lizzie Sanders applies for the enrollment of herself and 4 children; she cannot be identified upon the authenticated roll of1880 or the census roll of 1896; she is identified upon the Hem-Clifton pay roll; her two oldest children, Charles Folsom and Grover Sanders, are duly identified upon the Hem-Clifton pay roll according to page and number of the roll asindicated in the testimony; it will be necessary to make satisfactory proof of the birth of the younger children, Margaret and Clifton Sanders; she avers that she is a child of MackC. Davis by Hester Carter; no satisfactory evidence is given as to the facts to whether her mother was in the Cherokee Nation in the year 1866 or not; the fact is that her father was a non-citizen; reference is made to the testimony as to her citizenship, and also as to her residence; said Lizzie Sanders and her four children enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by mail at their post-office address of the decision of the Commission, when arrived at.

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M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 16,1901.

Commissioner.

R
Cher F. D. 1138

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Charley Fulsom, page 630, # 45, Delaware district;
Allie Fulsom, page 630, # 46, Delaware district;
Girtie Fulsom, page 630, # 47, Delaware District;
Also on 1880 roll, Jess Fulsom, page 106, # 1190, Cooweescoowee District; also on 1896 roll, page 630, # 44, Jessie Fulson, Delaware district;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

B O Jones
Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

JUL 18 19

ACTING CHAIRMAN

R
Cher F D 1138

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Charley Fulsom, page 630, # 45, Delaware District;
Allie Fulsom, page 630, # 46, Delaware District;
Girtie Fulsom, page 630, # 47, Delaware District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Jess Fulsom, page 106, # 1190, Cooweescoowee District;
Also on 1896 roll, page 630, # 44, Jessie Fulsom, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 16 day of July, 1902.

Notary Public.

(C O P Y)

CHEROKEE FREEDMEN D 1158.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, JANUARY 6, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jesse Folsome, et al., as Cherokee Freedmen.

JAMES NEAL VANN being first duly sworn, testified as follows:

BY MR. ELLISON:

Q What is your name? A. James Neal Vann
Q How old are you? A. About 48.
Q What is your postoffice address? A. Chouteau.
Q Are you a Cherokee Freedman? A. Yes, sir.
Q Who is your mother ? A. Jennie Vann.
Q What is her name now? A. Jennie Boudinot.
Q She is on the 1880 roll? A. Yes sir.
Q Do you know Jesse Folsome? A. Yes sir.
Q What relation is he to you? A. Brother.
Q Is Jennie Vann his mother? A. Yes sir.
Q Do you know where Jesse was born? A. Yes sir.
Q Where? A. On Grand River
Q In the Cherokee Nation? A. Yes sir.
Q Is Jesse's mother and your mother the same? A. Yes sir
Q Do you know what children Jesse had? A. Yes I know, but I disremember their names, I know he has four children.
Q Where is Jesse Folsome now? A. In the Muskogee, jail.
Q He has always lived in the Cherokee Nation? A. Yes sir.

BY THE COMMISSION:

Q You say you are a brother of Jesse Folsome? A. Yes, sir.
Q How old is he? A. He was born December 5, 1866.
Q Where was he born? A. On Grand River
Q Do you know what his children's names are? A. No, sir, I don't know. One is Charley.
Q That is the oldest? A. Yes, sir, the girl names, I disremember their names, their mother lives at Vinita/
Q Where was Jesse living in 1880, what district?
A. In Coowescoowee District.
Q You say he has always lived in the Cherokee Nation?
A. Always has, yes sir.
Q Never been out? A. Never been out to my knowing, he was born and raised there
Q Is your mother living? A. Yes sir.
Q Has she been enrolled by this Commission? A. Yes sir.
Q Have you been enrolled by this Commission? A. Yes sir.
Q Where is Jesse now? A. Over in the Muskogee jail.
Q He has never appeared before the Commission? A. Not that I know of.
Q Why hasn't he? A. Well I couldn't tell you no more than when we went to Gibson to enroll he was at Tulsa and he was to go to Vinita to enroll and he never came. Then he was to go to Nowata and he never went. For why, I don't know, I never asked him. Of course we never paid any attention to him and neigher did he, he was a man and knowed that was enrollment time and I never said anything about it to him, I supposed he had enrolled.
Q Is he married? A. Yes sir.
Q What is his wife's name? A. I can't think of her name.
Q How longhas he been in jail? A. I guess a month.

Q And you think he has four children? A. I most know he has four, three girls and a boy, no, he has five now, a child by this last wife, the baby.
Q Is the three children living at home with him? A. No, only one with him, that is the baby, the others are with their mother at Vinita.
Q His first wife? A. Yes sir.
Q On June 30, 1902, Ernest Starr appeared before the Commission at Muskogee to make Application for the following children: Charley Folsome; Allie Folsome, Girtie Folsome and Jesse Folsome. The Jesse Folsome referred to there is your brother that you have testified about? A. Yes sir.
Q Do you know if this child, Charley and this child Girtie are his children? A. Said to be his children, yes sir.
Q Do you know whether they are his children or not? A. Yes, sir
Q Where do they live? A. With their mother
Q At Vinita? A. Yes sir.
Q What is the mothers name? A. The mother of them is Eliza.
Q Eliza Folsome? A. Yes sir.

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-o-o WITNESS EXCUSED.o-o-
-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 6th day of January, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 8 day of January, 1905

(Signed) Charles W. Sawyer
Notary Public.

(S - A L)

Lucy W. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and complete copy of the original transcript now on file with the Commission.

Lucy W. Bowman

Subscribed and sworn to before me this 16th day of April, 1905.

Mayhew White

Notary Public.

FILED
APR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 24, 1905.

In the matter of the application for the enrollment of Jess Folsom and his three children, Charley, Allie and Gertie Folsom as Cherokee Freedmen; also Charles Folsom on C.F.D. 1022.

On this day Jess Folsom appeared by his agent, I. P. Bledsoe, of Choteau, Indian Territory.

J. M. Keyes, at the request of the Commission, appeared on behalf of the Cherokee Nation.

Jennie Boudinot, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Jennie Boudinot.
Q. What is your post office address? A. Choteau.
Q. Do you know Jess Folsom? A. He is my son.
Q. You are on the final roll, are you not? A. Yes sir.
Q. You have been approved, and have taken your allotment? A. Yes sir.
Q. How old is Jess? A. I don't know.
Q. Was Jess born before or after the war? A. After the war.
Q. Where was he born? A. Down on the creek, in the Cherokee Nation.
Q. Where has he always lived? A. Around in the Territory. No where else as I knows of.
Q. Is Jess married? A. He has been married. I don't know how it is now.
Q. How many times has he been married? A. Two times that I know of.
Q. What was his first wife's name? A. Mary .
Q. Mary what? A. Mary Ball.
Q. Was she a Cherokee? A. No sir.
Q. Did he have any children by her? A. Two.
Q. What were their names? A. Allie and Gertie.
Q. Was he married before that? A. No sir, I don't think he was. He was living with a woman, but I don't think he was married to her.
Q. Has he got a son called Charley? A. Yes sir.
Q. How old is Charley? A. He must be about 15 or 16 years old.
Q. Who was the mother of Charley? A. Lizzie Carter.
Q. Her name was Lizzie Folsom while she and Jess lived together, wasn't it? A. I suppose so.
Q. Did you know Lizzie Folsom? A. Yes sir.
Q. Don't she go by the name of Lizzie Sanders? A. I guess she

does. She married Sanders.

Q. Do you know what Lizzie Sander's father's name was? A. I did know, but I have forgot it.
Q. Was it Wax C. Davis? A. Yes sir.
Q. What was her mother's name? A. Easter Woodard.
Q. Was Easter a slave? A. Yes sir.
Q. Do you know to whom she belonged? A. No sir.
Q. Do you know whether she belonged to Susie Candy or not? A. No sir, I don't know.
Q. Did you know Lizzie pretty well? A. Yes sir, she lived right in there.
Q. Was Jess ever married to Lizzie? A. I don't know whether he was married to her or not.
Q. Did they live together? A. Yes sir.
Q. Do you know who is her present husband? A. I don't know.
Q. Do you know whether he is Isaac Sanders? A. No sir, I don't know. The last time I seed her down to Tahlequah she said she didn't have nobody.

WITNESS EXCUSED.

I. P. Bledsoe, being interrogated by the Commission, states as follows:

Q. You are the attorney for Jess Folsom, Lizzie Sanders, et al? A. Yes sir.
Q. It appears that Jess Folsom applied for a son, Charley, on card D-1138, and that Lizzie Sanders applied for her son, Charles, on D-1022. Is the Charley Folsom on C.F.D. 1138 and the Charles Folsom on C.F.D. 1022 the same person? A. Yes sir, the same one.

(Charley Folsom on C.F.D. 1138 is a duplicate of Charles Folsom on C.F.D. 1022.)

Jennie Boudinot recalled.

COMMISSION:

Q. Do you know of your own knowledge that Jess Folsom and Lizzie Sanders lived together as husband and wife? A. They did.
Q. For how long? A. Till Charley was two or three years old.
Q. About how long did they live together before the child was born? A. Two or three years.
Q. And after the child was born how long did they live together? A. I couldn't tell you, for I never paid much attention to them.
Q. What is your best judgment? A. I know they lived together a good while.
Q. About how many? A. About 3 or 4. They lived together about 3 or 4 years before and about 3 or 4 years after the child was born.
Q. Then he took up with another woman, did he? A. Yes sir.
Q. What was her name? A. Mary.
Q. What is Mary's full name? A. Mary Ball.
Q. She was a state woman? A. Yes sir.
Q. She never applied as a Cherokee Freedman? A. I don't know whether she did or not.
Q. Do you know whether or Jess Folsom and this Mary were married according to law? A. I don't know that.

Q. Did they live together? A. Yes sir.
Q. Do you know that Allie and Gertie were born to them while they lived together? A. Yes sir.
Q. But you don't know whether they were married or not? A. No sir.
Q. How near did you live to Jess? A. We all lived in Vinita.
Q. Did you see him often? A. Yes sir.
Q. Did they keep house together? A. Yes sir.
Q. They are not living together now are they? A. No sir.
Q. Your son, Jess Folsom, is in jail now at Fort Smith, is he not? A. Yes sir.
Q. How long has he been there? A. About three months, I think. He will be out next month.
Q. Are Charley, Allie and Gertie living today? A. Yes sir.
Q. Where are they? A. Charley lives with his mother and the other two live with their mother up on the river.
Q. Do you know what their post office address is? A. Ketchum.
Q. How long since Jess and his wife, Mary, parted? A. I don't remember now. I believe it is four or five years.
Q. Has she been married again? A. I don't think she is.
Q. Is she living with anybody now? A. I couldn't tell you that for she don't live where I do.
Q. Has Jess taken up with anybody else since? A. He has got a woman.
Q. Who is she? A. Florence.
Q. What is her other name? A. Florence King.
Q. Is she a state woman? A. Yes sir.

MR. BLEDSOE:

Q. Are you satisfied that these children were alive on the first day of September, 1902? A. Yes sir, they are alive now.
Q. How old are you? A. I am older than you.
Q. Did you enroll Jess Folsom on the '80 roll? A. Yes sir.
Q. How old was Jess then? A. A young man.
Q. About how old would he have been? A. I don't know.
Q. You enrolled him yourself? A. Yes sir.
Q. Where did you live then? A. On the Verdigris river, in Cooweescoowee District.

JUDGE KEYES:

Q. Was Jess ever lawfully married? A. I couldn't tell you that.
Q. Where did he live? A. He lived with me all his life till we went to Vinita, and then he went to Tulsa.
Q. He never had a separate home from you, did he? A. No sir.
Q. These women that he lived with, he brought them right to your house? A. Yes sir.
Q. This Mary was a state woman? A. Yes sir.
Q. Is it not a fact that she and her children are in the state now? A. No sir. She never has gone to the state since she come.
Q. Jess never had any separate home from you, did he? A. He always lived with me.
Q. He never married either of these women so far as you know? A. No sir.

MR. BLEDSOE:

Q. These children were born while Jess and these women were living together as husband and wife? A. Yes sir.

COMMISSION:

Q. Were Charley, Allie and Gertie born in your house? A. No sir well, let me see --- Allie and Gertie were, yes sir, and all three of them were.
Q. Is Jess the only child you have? A. No, I have several others.
Q. You are raising children and grandchildren, too? A. Yes sir I have got a plenty of grandchildren.
Q. Do you know whether Lizzie Folsom, the mother of Charley Folsom, is a sister to Josie Whitmire? A. I don't know.

WITNESS EXCUSED.

This case will be held open until May 4, 1905, so as to give the Cherokee Nation time and an opportunity to investigate same.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 24th. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause ob said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 25th. day of April, 1905.

Myron White,
Notary Public.

FILED
JAN 7 1905
COMMISSION TO FIVE TRIBES.

8211

Cherokee Freedman D-1138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 6, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jesse Folsome, et al., as Cherokee Freedmen.

JAMES NEAL VANN being first duly sworn, testifies as follows.
BY MR. BLEDSOE:

Q What is your name? A James Neal Vann.
Q How old are you? A About 48.
Q What is your postoffice address? A Chouteau.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Who is your mother? A Jennie Vann.
Q What is her name now? A Jennie Boudinot.
Q She is on the 1880 roll? A Yes, sir.
Q Do you know Jesse Folsome? A Yes, sir.
Q What relation is he to you? A Brother.
Q Is Jennie Vann his mother? A Yes, sir.
Q Do you know where Jesse was born? A Yes, sir.
Q Where? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q Is Jesse's mother and your mother the same? A Yes, sir.
Q Do you know what children Jesse had? A Yes I know, but I disremeber their names, I know he has four children.
Q Where is Jesse Folsome now? A In the Muskogee jail.
Q He has always lived in the Cherokee Nation? A Yes, sir.

BY THE COMMISSION:
Q You say you are a brother of Jesse Folsome? A Yes, sir.
Q How old is he? A He was born December 5, 1866.
Q Where was he born? A On Grand River.
Q Do you know what his childrens names are? A No, sir, I don't know. One is Charley.
Q That is the oldest? A Yes, sir, the girls names, I disremember their names, their mother lives at Vinita.
Q Where was Jesse living in 1880, what district? A In Coo-weescoowee district.
Q You say he has always lived in the Cherokee Nation? A Always has, yes sir.
Q Never been out? A Never been out to my knowing, he was born and raised there.
Q Is your mother living? A Yes, sir.
Q Has she been enrolled by this Commission? A Yes, sir.
Q Have you been enrolled by this Commission? A Yes, sir.
Q Where is Jesse now? A Over in the Muskogee jail.
Q He has never appeared before the Commission? Not that I know of.
Q Why hasn't he? A Well I couldn't tell you no more than when we went to Gibson to enroll he was at Tulsa and he was to go to Vinita to enroll and he never came. Then he was to go to Nowata and he never went. For why, I don't know, I never asked him. Of course Ma never paid any attention to him and neigher did I, he was a man and knowed that was enrollment time and I never said anything about it to him, I supposed he had enrolled.
Q Is he married? A Yes, sir.
Q What is his wife's name? A I can't think of her name.
Q How long has he been in jail? A I guess a month.

Q And you think he has four children? A I most know he has four three girls and a boy, no, he has five now a child by this last wife, the baby.
Q Is the three children living at hime with him? A No, only one with him, that is the baby, the others are with their mother at Vinita.
Q His first wife? A Yes, sir.
Q On June 30, 1902, Emmet Starr appeared before the Commission at Muskogee to make application for the following children: Charley Folsome; Allie Folsome; Girtie Folsome and Jesse Folsome. The Jesse Folsome referred to there is your brother that you have testified about? A Yes, sir.
Q Do you know if this child, Charley and this child Gertie are his children? A Said to be his children, yes sir.
Q Do you know whether they are his children or not? A Yes, sir.
Q Where do they live? A With their mother.
Q At Vinita, A Yes, sir.
Q What is the mothers name? A The mother of them is Eliza.
Q Eliza Folsome? A Yes, sir.

WITNESS EXCUSED.

----cOo----

Opal Griggs beong first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 6th day of January, and that the above is a full, true and correct transcript of her stenographis notes thereof.

Opal Griggs

SUBSCRIBED and sworn to before me this 8 day of January, 1905.

Charles L. Sawyer
Notary Public.

FILED
MAR 6 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 6, 1905.

In the matter of the allotment of lands to Jess Fulsom, Cherokee Freedman Card D1138, applied for by I.P.Bledsoe, attorney in fact.

I.P.Bledsoe, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A I.P.Bledsoe.
Q How old are you? A 58 years of age.
Q What is your post office? A Choteau, Indian Terri tory.
Q Do you make any claims to Cherokee citizenship? A Yes sir.
Q In what way? A An adopted citizen.
Q Have you an application in the Cherokee Nation pending? A Yes sir.
Q What is your object in appearing at the land office today?
A To file on lands for Jess Fulsom, as his attorney in fact.
Q Have you duly executed Power of Attorney from Jess Fulsom?
A Yes sir.

Applicant offers Power of Attorney executed by Jess Fulsom January 9, 1905, wherein he appoints I.P.Bledsoe his lawful attorney for the purpose of selecting in allotment lands in the Cherokee Nation for him.

Q State the reasons why Jess Fulsom does not make personal appearance and selection? A He is in jail.
Q What jail is he incarcerated in? A Fort Smith.
Q Is he in jail under sentence? A Yes sir, under United States sentence.
Q For what length of time? A 6 or eight months.
Q Do the lands you desire to select in allotment for Jess Fulsom lay west of Grand river? A Yes sir. All except fractions.
Q You can select lands at this office laying west of the Grand river land for $310. Have you this much land in view? A Yes sir.

Witness excused.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 6th day of March, 1905.

W. I. Hawkins

Notary Public.

FILED
MAY - 5 1905
COMMISSION TO FIVE TRIBES.

DEPA RTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
FT. SMITH, ARK/, A PRIL 11, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JESS FULSOM ET AL., as Cherokee freedmen.

JESS FULSOM, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Jess Fulsom.
Q What is your age? A 39.
Q What is your post office address when you are out of prison? A
A Tulsa, I. T.
Q What is the name of your mother? A Jennie Vann.
Q What is the name of your father? A My father was named Fulsom.
Q What was his given name? A Bill.
Q Is your father and mother both living? A My mother is living, my father is dead.
Q Where were you living in 1880, in what District in the Cherokee Nation? A At Vinita.
Q Is that in Goowescoowee District? A Yes sir a great part of it, one side is in Delaware on one side of the track.
Q Does your name appear on the 1880 Roll? A Yes sir on all the rolls except this one.
Q You are enrolled as what, a Cherokee by blood or Cherokee freedman?
A Cherokee freedman.
Q Through whom do you claim your right as Cherokee freedman? A My mother.
Q Has your mother been finally enrolled as a Cherokee freedman? A Yes sir.
Q Has she taken her allotment of land? A Yes sir.
Q Where were you born? A I can tell you what she says, over here at Fort Gibson.
Q Have you ever lived outside of the Cherokee Nation? A No sir, no more than about two or three months, maybe four months.
Q Where were you during that two or three or four months? A Coffeyville, Kansas.
Q Didyou ever establish a residence in Coffeyville, Kansas? A No sir.
Q Did you ever move your family there? A No sir.
Q When was it you were absent in Coffeyville, Kansas? A About 6 year ago.
Q Wasn't out of the Territory longer than 4 months? A That is all, worked on the brick yard.
Q was your home in the Territory at that time? A Yes sir.
Q Are you a married man? A I am.
Q What is the name of your wife? A Florence.
Q What was her maiden name? A Florence Coleman.
Q Is she a citizen of the Cherokee Nation? A No sir.
Q Is she a State woman? A Yes sir.
Q She claims no rights as a Cherokee freedman? A No sir.
Q How long have you been married to her? A Going on 6 years.
Q Do you remember the exact date of your marriage to her? A I couldn't tell you exactly now.
Q Do you remember the year in which you were married? A I couldn't tell you that either hardly.
Q Were you ever married before you married her? A Once.
Q What was the name of that wife? A Lizzie Sanders.
Q Is Lizzie Sanders living? A Yes sir.
Q Where does she live? A At Wewoka.
Q Were you separated from Lizzie Sanders? A Yes sir.
Q Were you divorced? A Yes sir.

Q Did you have any children by her? A Yes sir, one.
Q What is its name? A Leroy, he is on the roll as Charlie.
Q In what District is he living at present? A He is over in Cooweescoowee.
Q In what District was Charlie living in 1896 when the 1896 Census Roll was made? A Cooweescoowee.
Q Cooweescoowee or Delaware? A Cooweescoowee I think, I wont be positive.
Q What was the town in which he was living when the 1896 Census Roll was made? A In Tulsa with his mamma.
Q That was 9 years ago? A I think it is near about 9 years ago.
Q Is that the only boy you had by this first wife? A Yes sir.
Q How old is he at present? A 14 years old.
Q Who was he living with in 1896? A Staying with his grand-mother.
Q What was her name? A Easter Carter.
Q And she was living in Cooweescoowee District? A Yes sir, living out there at Tulsa, Cole Creek rather about 4 or 5 miles from Tulsa.
Q That is the ojly child you had by your first wife? A That is all.
Q And he is living at present? A Yes sir.
Q How many children have you by your last wife? A Just one.
Q What is its name? A Arvil.
Q Is it known by any other name? A That is all the name it has got.
Q Is it a boy or girl? A Boy.
Q How old is it? A 16 months old.
Q What is the exact date of its birth? A I couldn't tell you.
Q Have you any other children besides the two mentioned? A I reckon they be mine, their mother says so, I have two little girls
Q Do you recognize them as your children? A Yes sir.
Q What is their names? A The oldest one is named Allie, and the youngest Gertie.
Q How old is Allie at present? A About 12 years old.
Q Where was Allie born? A Out at Bartlesville, I. T/
Q What is the name of the mother of Allie? A Mary Ball, she was a State woman.
Q Is Allie living with her mother? A Yes sir.
Q Is her mother living in the Cherokee Nation at present? A She lives in Vinita.
Q Has she lived outside of the Cherokee Nation since Allie was born? A No sir.
Q What is the name of the mother of Gertie? A The same woman.
Q When was Gertie born? A I couldn't tell you just when she was born to save my soul.
Q About how old is she at present? A About 6 or 7 years old I guess, somewhere along there.
Q Both of these Children, Allie and Gertie, are living at present with their mother? A Yes sir.
Q Do you recognize these children as your own? A Yes sir.
Q Have you ever made any provisions for their support? A Yes sir.
Q Were you ever married to the mother of these children? A No sir
Q Is she married to another man at present? A No sir not as I know of.
Q Has these children any lawful guardian? A Not as I know of.
Q When did you see them last? A I haven't seen them now for about two years.
Q None of these children are living with you and your present wife?
A None but my boy.
Q Has Charlie come back with you? A Yes sir.
Q How long has he been living with you? A About a year.
Q Does the mother of Charlie claim any rights as a Cherokee Freedman
A Yes sir.

Q Has she made application to the Dawes Commission for enrollment as a Cherokee freedman? A I couldn't tell you, I don't know.
Q What is her present name? A Her name was Lizzie Davis, that was her maiden name, she married a fellow by the name of Roy Sex.
Q How long has she been married to him? A I guess about 3 or 4 years as near as I know.
Q In what District was she living in 1880? A In Cooweescoowee.
Q What was her name when the 1880 Census Roll was taken? A I don't know.
Q Do you know whether she ever made application for this boy Charlie of yours? A No sir, I know she has not.
Q Has Charlie lived with her since you and she separated? A No sir he lived with his grand-mother, I enrolled him.
Q What do you mean by enrolling him? A I enrolled him on the wallace Roll?
Q Have you ever made application to the Dawes Commission for enrollment? A No sir.
Q Why did you not make application to the Dawes Commission for enrollment? A I fooled around when they got close to me I was sick, and just kept putting it off.
Q you kept putting it off by negligence until the time had expired? A Yes sir.
Q You always claimed rights as a Cherokee freedman? A Always since I recollect.
Q Does themother of Allie and Gertie, the children you have mentioned of being your own, does she claim any rights as a Cherokee freedman? A No sir.
Q Whatever rights thee children may have as Cherokee freedmen , they derive solely through you? A Yes sir.
Q This fourth child you have mentioned, Arvil, he was born after September 1, 1902? A I guess so, yes sir.
Q And you were born in the Cherokee Nation and have always made your home in it? A Never knew anything else but the Cherokee Nation, born in '66.
Q You are at present an inmate of the United States Jail at Fort Smith, Arkansas? A Yes sir.
Q On what charge are you here? A Whiskey.
Q Introducing and disposing? A When the fellow indicted me was for selling threepints of whiskey, and I plead guilty to the charge and they had it introducing and selling.
Q How long is your sentence? A 6 months.
Q When will that expire? A About the 16th of May I guess if I be right good.
Q Do you know I. P. Bledsoe? A Yes sir, I am slightly acquainted with him.
Q as he filed on land for you? A I don't know.
Q You executed him Power of Attorney? A I did.
Q You don't know whether he has filed or not? A No sir.

Jess Fulsom is identified on the 1880 Cherokee Tribal Roll, Cooweescoowee District, No. 1190, and on the 1896 Cherokee Census Roll, Delaware District, under the name of Jessie Fulsom, No. 44. The children mentioned are identified on the 1896 Cherokee Census Roll, Delaware District, Nos. 45, 46, and 47 respectively, and are listed for enrollment from information on Cherokee Freedman D-1138.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported theproceedings had in the above entitled cause, and that the above and foegoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 5th day of May, 1905.

Myron White.

Notary Public.

Cherokee Freedman D-1138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JESSE FULSOM ET AL., as Cherokee freedmen.

APPEARANCES:
Applicant appears by his agent, I. P. Bledsoe.
Cherokee Nation by its representative, JAmes S. Davenport.

ALEXANDER BOUDINOT, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Alexander Boudinot.
Q Post office,? A Vinita.
Q How old are you? A Going on 56.
Q Do you know Jesse Fulsom? A Yes sir.
Q What relation are you to him? A I raised hi , I used to have his mother for my wife.
Q You are his step-father? A Yes sir.
Q Is his mother living now? A Yes sir, I think so.
Q Do you know where she lives? A I don't know, but about Choteau on Brushy somewhere.
Q Do you know whether Jesse Fulsom was ever married to a woman by the name of Lizzie Carter? A He used to live with her.
Q Did they live in a house? A Yes sir.
Q Did they have any children? A They had one.
Q Do you remember its name? A Charley.
Q Is Lizzie Carter, that was the mother of Charley, is she dead or living? A She is living, she lives here somewhere in the Creek Nation.
Q Did Jesse to your knowledge ever live and keep house with any other woman as his wife? A Not as I know of.
Q Do you know where they were living when Charley was born? A Yes sir.
Q Where at that time? A On that little place right [redacted] on the road going to your house.
Q In the City of Vinita? A Yes sir.
Q In the house known as the Foreman House? A Yes sir.
Q Did you ever know of him living with any other woman there from that time up to the present as his wife? A I don't know whether you would call it as his wife, he had this Mary Ball living around with her, I don't know of him ever keeping house with her I call it, if he did, I don't know of it.
Q Lizzie was living at that time? A Lizzie is living now.
Q Did he and Lizzie separate? A I believe they did? I don't know how come them to separate but some way or other they got apart.
Q But this Mary Ball you spoke of, did they ever live together as man and wife? A Stopped there sometimes with us, he had her there.
Q Did they use a room as man and wife? A Yes sir.
Q How many children were born at your place? A I don't know of any.
Q Did she have any children while she and Jesse were living together? A She had one.

Q Jesse was living with Lizzie Carter at one time? A Well, he was living with so many I couldn't tell which one, I believe he lived with Lizzie more than he did with any of them.
Q Your wife's name was Jennie Boudinot? A Yes sir.
Q And she was Jesse's mother? A Yes sir.

BY MR. BLEDSOE:
Q Now Aleck did he live with Lizzie any more after he lived with Mary? A Yes sir.
Q Went back and lived with her? A Yes sir, I know he kept house with Lizzie.
Q Did you know of anybody else having two wives in the Cherokee Nation at that time? A I guess there was lot of them, I don't know anything about.
Q It was kind of a habit, wasn't it? A It has always been a habit.
Q Aleck isn't it a fact that Jennie Vann was at one time your wife? A Yes sir, I lived with her at one time.
Q Wasn't it customary if they got tired of a woman, or woman got tired of a man for them to quit them and go and take them another one? A They did.
Q Especially among the colored people and Indians? A Yes sir, and white folks too.

BY THE COMMISSION:
Q Do you know whether Mary Ball had two children of whom Jesse Fulsom was the ~~father~~ father? A I know she has got two children but I don't know whose they are, I don't know whether he claims them or not.
Q How long did Jesse Fulsom and Mary Ball live together, if you know? A He was running around there a year, maybe a little longer.
Q Did they at that time live at your house in separate rooms?
A He never did live in a house with me, he would come there and stay a little while.
Q Weeks at a time or months at a time? A Sometimes he would stay a month.
Q And she was with him? A Yes sir.
Q Do you know whether these children were born at or about the time? A I don't know exactly when the children were born.
Q Do you know the names of these children? A No sir.
Q You separated from your wife Jennie Boudinot? A We have lived together since the payment.
Q In 1894 or what payment do you mean? A This strip payment.
Q You mean the 1897 payment, do you? A Yes sir.
Q ~~You were never married to Jennie were you?~~ A Never been married lawfully to no woman, but the one I have now. She aint living with me now.
Q Now Jennie Boudinot appeared here the other day and swore that Mary Ball gave birth to two children at her house, what do you know about that? A I don't know anything about that.
Q Might they have been born there? A I don't know of any children that was born in our house of Mary Ball's.
Q Did you stay at home a good deal of the time? A Every night, cooked right there at the Cobb Hotel and went home every night, I didn't do nothing but cook.
Q And Jesse and Mary lived at ~~xxxx~~ your house as man and wife?
A They came there together and stayed together.
Q Weeks at a time? A Yes sir.

Witness Excused.

ROLAND WAVE, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Roland Wave.
Q Where do you live? A Vinita.
Q How long have you lived in Vinita? A Off and on for 25 or 30 years.
Q Do you know Jesse Fulsom? A Yes sir.
Q How long have you know him? A Ever since we were boys.
Q Do you know his mother? A Yes sir.
Q Did you ever know of him living with any woman as his wife keeping house? A Yes sir, one.
Q Who was that? A Her name was Florence King before he married her.
Q Did you know Lizzie Carter? A Yes sir, lived with her, but lived with Florence after he lived with her.
Q Do you know Mary Ball? A Yes sir.
Q Do you know whether he ever lived with her as man and wife and keep house? A Never did keep no house.
Q Did they live together as man and wife? A I would not say that, a man just slip in and sleep with her and slip out.
Q Where did they stay at that time? A Mary Ball stayed just first one place and then another, and Jesse stayed with his mother. Sometimes she stayed out on Grand River and sometimes there in town, stayed with Charley Lynch some.
Q Did she have any children when she began to stay there in town and back and forth on Grand River? A No, when she first come there she didn't have no children at all. She come from Kansas down there.
Q How long after she stayed at Charley Lynch's did she have some children? A She would not be there but a short time, at a time, she partly lived with a fellow by the name of Henry Lynch.
Q What is Mary Ball did? A Yes sir, she has several children.
Q Do you know of your own knowledge whether or not she had any children or that she and Jesse Fulsom lived together long enough to have as many as two children born to them? A I don't think they did.
Q Where is Mary Ball living now? A Right in Vinita.
Q Do you remember the names of any of her children? A No sir, I don't.
Q What became of Lizzie Carter, Jesse's wife? A The last time I heard of her she was in Vinita.

BY MR. BLEDSOE:
Q Do you know whether Mary Ball had any children at all or not?
A I know some she claims.
Q How many has she? A Two girls and one or two little boys, and she has one or two dead.
Q Do you know the fathers of any of them? A No sir.
Q When if Mary Ball swore that Jesse Fulsom is the father of two of her children, you don't know anything to the contrarty?
A No sir.

BY THE COMMISSION:
Q How long have you known Mary Ball? A 15 or 16 years.
Q Do you know of your own knowledge that Jesse Fulsom kept company with Mary Ball? A No sir.
Q Did you ever see them together? A Yes sir, never seen them sleeping together.
Q You know what I meant by keeping company together, going along together? A I seen them once or twice.

Q Do you know anything about them living together at his father's house? A I don't.
Q As to the parentage of any of her children, you don't know anything about it? A No sir.
Q And as far as you know Jesse Fulsom may have been the father of these two girls? A I tried to get him to come down here, and he wouldn't do it.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 5th day of July, 1905.

Myra M. White.

Notary Public.

D 622

Cherokee Freedman
D 1022.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Fulsom as a Cherokee Freedman.

O R D E R .

IT APPEARS FROM THE RECORDS OF THE COMMISSION: That, on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and, among others, made application for the enrollment of Charley Fulsom as a Cherokee freedman, his name being listed upon card Cherokee Freedman D 1138.

The records of the Commission further show that said Charley Fulsom, under the name of Charles Fulsom, has also been listed for enrollment as a Cherokee freedman, his name appearing upon Cherokee Freedman card D 1022.

IT IS, THEREFORE, ORDERED: That the name of the applicant, Charley or Charles Fulsom, as it appears upon Cherokee Freedman card D 1022, be cancelled.

Chairman.

Dated at Muskogee, Indian Territory,
this JUN 21 1905

FILED
APR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 24, 1905.

In the matter of the application for the enrollment of Jess Folsom and his three children, Charley, Allie and Gertie Folsom as Cherokee Freedmen; also Charles Folsom on C.F.D. 1022.

On this day Jess Folsom appeared by his agent, I. P. Bledsoe, of Choteau, Indian Territory.

J. M. Keyes, at the request of the Commission, appeared on behalf of the Cherokee Nation.

Jennie Boudinot, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Jennie Boudinot.
Q. What is your post office address? A. Choteau.
Q. Do you know Jess Folsom? A. He is my son.
Q. You are on the final roll, are you not? A. Yes sir.
Q. You have been approved, and have taken your allotment? A. Yes sir.
Q. How old is Jess? A. I don't know.
Q. Was Jess born before or after the war? A. After the war.
Q. Where was he born? A. Down on the creek, in the Cherokee Nation.
Q. Where has he always lived? A. Around in the Territory. No where's else as I knows of.
Q. Is Jess married? A. He has been married. I don't know how it is now.
Q. How many times has he been married? A. Two times that I know of.
Q. What was his first wife's name? A. Mary .
Q. Mary what? A. Mary Ball.
Q. Was she a Cherokee? A. No sir.
Q. Did he have any children by her? A. Two.
Q. What were their names? A. Allie and Gertie.
Q. Was he married before that? A. No sir, I don't think he was. He was living with a woman, but I don't think he was married to her.
Q. Has he got a son called Charley? A. Yes sir.
Q. How old is Charley? A. He must be about 15 or 16 years old.
Q. Who was the mother of Charley? A. Lizzie Carter.
Q. Her name was Lizzie Folsom while she and Jess lived together, wasn't it? A. I suppose so.
Q. Did you know Lizzie Folsom? A. Yes sir.
Q. Don't she go by the name of Lizzie Sanders? A. I guess she

does. She married Sanders.

Q. Do you know what Lizzie Sander's father's name was? A. I did know, but I have forgot it.
Q. Was it Wax C. Davis? A. Yes sir.
Q. What was her mother's name? A. Easter Woodard.
Q. Was Easter a slave? A. Yes sir.
Q. Do you know to whom she belonged? A. No sir.
Q. Do you know whether she belonged to Susie Candy or not? A. No sir, I don't know.
Q. Did you know Lizzie pretty well? A. Yes sir, she lived right in there.
Q. Was Jess ever married to Lizzie? A. I don't know whether he was married to her or not.
Q. Did they live together? A. Yes sir.
Q. Do you know who is her present husband? A. I don't know.
Q. Do you know whether he is Isaac Sanders? A. No sir, I don't know. The last time I seed her down to Tahlequah she said she didn't have nobody.

WITNESS EXCUSED.

J. T. Bledsoe, being interrogated by the Commission, states as follows:

Q. You are the attorney for Jess Folsom, Lizzie Sanders, et al? A. Yes sir.
Q. It appears that Jess Folsom applied for a son, Charley, on card D-1138, and that Lizzie Sanders applied for her son, Charles, on D-1022. Is the Charley Folsom on C.F.D. 1138 and the Charles Folsom on C.F.D. 1022 the same person? A. Yes sir, the same one.

(Charley Folsom on C.F.D. 1138 is a duplicate of Charles Folsom on C.F.D. 1022.)

Jennie Boudinot recalled.

COMMISSION:

Q. Do you know of your own knowledge that Jess Folsom and Lizzie Sanders lived together as husband and wife? A. They did.
Q. For how long? A. Till Charley was two or three years old.
Q. About how long did they live together before the child was born? A. Two or three years.
Q. And after the child was born how long did they live together? A. I couldn't tell you, for I never paid much attention to them.
Q. What is your best judgment? A. I know the lived together a good while.
Q. About how many? A. About 3 or 4. They lived together about 3 or 4 years before and about 3 or 4 years after the child was born.
Q. Then he took up with another woman, did he? A. Yes sir.
Q. What was her name? A. Mary.
Q. What is Mary's full name? A. Mary Ball.
Q. She was a state woman? A. Yes sir.
Q. She never applied as a Cherokee Freedman? A. I don't know whether she did or not.
Q. Do you know whether Jess Folsom and this Mary were married according to law? A. I don't know that.

Q. Did they live together? A. Yes sir.
Q. Do you know that Allie and Certie were born to them while they lived together? A. Yes sir.
Q. But you don't know whether they were married or not? A. No sir.
Q. How near did you live to Jess? A. We all lived in Vinita.
Q. Did you see him often? A. Yes sir.
Q. Did they keep house together? A. Yes sir.
Q. They are not living together now are they? A. No sir.
Q. Your son, Jess Folsom, is in jail now at Fort Smith, is he not? A. Yes sir.
Q. How long has he been there? A. About three months, I think. He will be out next month.
Q. Are Charley, Allie and Certie living today? A. Yes sir.
Q. Where are they? A. Charley lives with his mother and the other two live with their mother up on the river.
Q. Do you know what their post office address is? A. Ketchum.
Q. How long since Jess and his wife, Mary, parted? A. I don't remember now. I believe it is four or five years.
Q. Has she been married again? A. I don't think she is.
Q. Is she living with anybody now? A. I couldn't tell you that for she don't live where I do.
Q. Has Jess taken up with anybody else since? A. He has got a woman.
Q. Who is she? A. Florence.
Q. What is her other name? A. Florence King.
Q. Is she a state woman? A. Yes sir.

MR. BLEDSOE:

Q. Are you satisfied that these children were alive on the first day of September, 1902? A. Yes sir, they are alive now.
Q. How old are you? A. I am older than you.
Q. Did you enroll Jess Folsom on the '80 roll? A. Yes sir.
Q. How old was Jess then? A. A young man.
Q. About how old would he have been? A. I don't know.
Q. You enrolled him yourself? A. Yes sir.
Q. Where did you live then? A. On the Verdigris river, in Cooweescoowee District.

JUDGE KEYES:

Q. Was Jess ever lawfully married? A. I couldn't tell you that.
Q. Where did he live? A. He lived with me all his life till we went to Vinita, and then he went to Tulsa.
Q. He never had a separate home from you, did he? A. No sir.
Q. These women that he lived with, he brought them right to your house? A. Yes sir.
Q. This Mary was a state woman? A. Yes sir.
Q. Is it not a fact that she and her children are in the state now? A. No sir. She never has gone to the state since she come.
Q. Jess never had any separate home from you, did he? A. He always lived with me.
Q. He never married either of these women so far as you know? A. No sir.

MR. BLEDSOE:

Q. These children were born while Jess and these women were living together as husband and wife? A. Yes sir.

COMMISSION:

Q. Were Charley, Allie and Gertie born in your house? A. No sir well, let me see --- Allie and Gertie were, yes sir, and all three of them were.

Q. Is Jess the only child you have? A. No, I have several others.

Q. You are raising children and grandchildren, too? A. Yes sir I have got a plenty of grandchildren.

Q. Do you know whether Lizzie Folsom, the mother of Charley Folsom, is a sister to Josie Whitmire? A. I don't know.

WITNESS EXCUSED.

This case will be held open until May 4, 1905, so as to give the Cherokee Nation time and an opportunity to investigate same.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 24th. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 25th. day of April, 1905.

Notary Public.

Cherokee Freedman D-1138.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JESSE FULSON ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe, Agent.
For Cherokee Nation, J. S. Davenport.

MARY BALL, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Mary Ball.
Q How old are you? A 38.
Q Where do you live? A Vinita.
Q Do you claim any rights to citizenship or are you a State woman?
A State woman.
Q Do you know Jesse Fulson? A Yes sir.
Q Did you ever live with Jesse Fulson as his wife? A Yes sir.
Q Did you ever have any children by Jesse Fulson? A Yes sir, two.
Q What were their names? A Allie and Gertie.
Q How old is Allie? A 11.
Q How old is Gertie? A 9.
Q Were these two children born while you and Jess were living together as man and wife? A Yes sir.
Q Where was Allie born? A Vinita.
Q Who was the mid-wife? A Annie Cordrey.
Q Where was Gertie born? A Vinita.
Q Were you and Jesse living together with when Gertie was born?
A Jennie Vann, now Jennie Boudinot.
Q How long did you and Jess live together? A Some 5 or 6 years.
Q You and Jesse living together now? A No sir.
Q Has Jesse been married or living with any other woman since that time? A I think so.
Q What caused you and Jesse to separate? A He just didn't treat me right.
Q Was he taking up with any other woman? A Yes sir, running around with them.
Q That was the cause of your separation? A Yes sir.
Q Are these two children living now? A Yes sir.
Q With you in Vinita? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Where did you first meet Jesse Fulson? A Vinita.
Q When was that? A I don't know when it was, it was been so long, I forgot.
Q Have you known him as much as 10 years? A It has been longer than that.
Q You and he never had any sort of a marriage ceremony? A No sir.
Q Where did you live while you lived together? A First lived with his mother.
Q Where was that? A Vinita.
Q What was her name? A Jennie Boudinot.
Q Then where did you live? A Bartlesville.
Q First, how long did you live with Jennie Boudinot? A I don't know sir, just how long.

Q State about how long? A Two or three years I guess, two years anyhow.
Q Then you went to Bartlesville? A Yes sir.
Q Did you keep house at Bartlesville? A With Mr. Andy Cordrey, his brother.
Q How long did you live with Andy? A A little over a year.
Q Then where did you go? A Back to Vinita.
Q Live with Jennie again? A Yes sir.
Q How long did you stay with her that time? A Didn't stay there so long.
Q About how long? A About a year I guess.
Q Then where did you go? A Then I went to my sister's and stayed 8 or 9 months.
Q Did Jesse go with you? A No sir, not then, but he come.
Q Still living together then were you? A Yes sir.
Q How long did you visit your sister? A About 8 or 9 months.
Q Where was that? A In Kansas.
Q What was her name? A Ida Brown.
Q What was her post office? A Pleasanton, Kansas.
Q Then where did you go? A To Vinita.
Q With whom? A Chaney McClair.
Q How long did you stay there? A From December until May.
Q 6 months? A Yes sir.
Q Then where did you go? A Moved to a house to myself.
Q Jesse move with you? A Yes sir.
Q How long did you and Jesse keep house there in Vinita? A I don't know how long it was.
Q About how long do you think it was? A A year I guess, I think it was, almost certain.
Q Then where did you go? A Never went no place, then, I quit him then.
Q Was that when you separated? A Yes sir.
Q Did you have any children before you and Jesse took up together?
A Never had none living, had one dead.
Q Only had one to die before then? A Yes sir.
Q He had some children, did he? A Yes sir, one a boy.
Q What was its name? A LeRoy I believe.
Q Did he have any other children besides Le Roy? A Not as I know of.
Q You never heard of any? A No sir.
Q Did Le Roy live with you and Jesse while you lived together?
A Yes sir, kept him a while.
Q What was the name of his mother? A Lizzie.
Q Is she living? A I think so.
Q Do you know what her name is now? A No sir.
Q Do you know where she lives? A No sir.
Q While you and Jesse were living together, did you at any time during that time live with any other man? A No sir, I didn't.
Q Do you know that he is the father of these children? A I ought to know it.
Q Do you know it? A I think I do.
Q Is he the father of these children? A I know he is.
Q Has he always recognized them as his children? A Yes sir.
Q Have you kept the children all their lives? A Yes sir, both of them yet.
Q Does he ever visit them now? A Yes sir, he comes there sometimes since he has been back to Vinita.
Q You say he had taken up with another woman when you left him?
A Yes sir, first left home and I quit.
Q How long had he been with her before you left him? A Not long.
Q Was that before or after both of these children were born? A After both of them were born.

Q Were you and he living together while both of them were born?
A Yes sir.
Q Did he support you? A Yes sir.
Q Did he support the children? A Then he did.
Q

BY MR. BLEDSOE:
Q Who was the mid-wife of Gertie? A Jennie Boudinot.

ON BEHALF OF THE COMMISSIONER:
Q Were you ever married in your life? A Yes sir.
Q Are you married now? A No sir.
Q What was the name of the man you were lawfully married to?
A Dan Allen.
Q Was he the father of your child that died? A No sir.
Q Did you and he have any children? A No sir.
Q When were you and Dan married? A That was before I come here.
Q That was while you were in the state? A Yes sir.
Q How old were you when you were married? A 17.
Q Dan Allen living? A I don't sir.
Q How long did you and he live together? A About two years.
Q The child you had that died, was it born before you were married to Dan Allen? A No sir.
Q Wasit born after? A Yes sir.
Q Was it born after you and Jesse quit living together? A No sir, I hadn't had Jesse then.
Q Born between the [illegible]? A Yes sir.
Q How long after you and Dan quit living together was it before that child was born? A About 3 years.
Q After the child died how long was it before you and Jesse took up together? A The child died in march. I don't know just how l[illegible] was.
Q [illegible] remember? [illegible] you and Jesse, [illegible] you know whether it was that you and Jesse took up together?
A No sir.
Q [illegible] at all? A I [illegible]
Q W[illegible] took up [illegible] you lived at Jennie Boudinot's at Vinita? A Yes sir.
Q And your child Allie was born after you took up together? A About a year or two years I think.
Q How much difference is there in the ages of these children?
A Allie is 11 and Gertie [illegible] about 2 years aint it.
Q Where was Allie born? A Bartlesville.
Q Where was Gertie born? A Vinita.
Q Was that after you went up to Pleasanton, Kansas? A Yes sir, born after we come back from Kansas.
Q You stated that you stayed at Bartlesville two years? A No sir, I said that we stayed at Bartlesville about a year.
Q Then Gertie was born the second time you lived at Jennie Boudinot's in Vinita, you lived at Jennie's two years, then went to Bartlesville and lived a year, then you come back to Jennie's, was it that time you were there Gertie was bor ? A Yes sir, after I come back to Jennie's the second time I went to Kansas, and then come back before Gertie was born.
Q Where was she born? A At Chaney McNair's, right acro s the street from Jennie's.

BY MR. DAVENPORT:
Q How old is Gertie? A 9.
Q Now Jesse had a wife at the time you and he were sort of mixing around there together, didn't he? A No sir.
Q Where was Lizzie? A I don't know where she was.
Q She wasn't dead? A She wasn't at Vinita.

Q Wasn't Lizzie there about the time Jesse took up with Stella Thompson? A I don't know.
Q Don't you know Lizzie was living there at that time? A I don't, Lizzie wasn't in Vinita when Gertie was born.
Q Where did you and Jesse ever keep house? A Over in one of Luster Foreman's houses.
Q Which one, over where Luster lives? A I think it was Sam Landrums, right close to Aunt Clora Foreman.
Q What year was it you lived over there? A I don't know what year it was.
Q Before or after the freedman payment? A It was after the payment, I think it was.
Q Where was Chaney living when Gertie was born? A Right where she lives now.
Q Where is that? A Over there close to the colored Baptist church.
Q You mean she lives right west of the colored Baptist church?
A South of the Baptist church.
Q Which one of the houses, the nearest one to the church? A The last one on that street the church is on.
Q You don't know whether Lizzie, Jesse's wife, was living when you and he was living around there as you claimed? A She was living somewhere, but not at Vinita.
Q Where is Jesse now? A He is at Vinita.

ON BEHALF OF THE COMMISSIONER:
Q Were you and Dan Allen divorced? A Yes sir, I guess so, he was married again.
Q Are you sure? A I don't know, but he is married I know.

BY MR. DAVENPORT:
Q You know Jesse had been married before you and he lived together?
A Yes sir, I guess he had.
Q And you know his wife was living? A Yes sir, she was living, living yet I suppose.
Q And they hadn't been divorced? A I don't know as the had.

ON BEHALF OF THE COMMISSIONER:
Q Where have you made your home since you and Jesse took up together?
A Vinita.
Q Have you made your home in the Cherokee Nation all the time since then? A Yes sir.
Q Have you lived anywhere else at all? A No sir.
Q When did you find out that application was made for the enrollment of your children? A I have heard it off and on.
Q You never did try to have them enrolled? A No sir.
Q Why? A I thought their daddy would, I didn't think I could do it.
Q You have had the children all the time? A Yes sir, o when yet.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 28th day of August, 1908.

Notary Public.

Cherokee Freedman D 1138

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jess Fulson, et al., as Cherokee Freedmen.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That, on June 30, 1902 Emmet Starr appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment, as Cherokee citizens, of Jess Fulson, Charley Fulson, Allie Fulson and Girtie Fulson, and that said applicants were duly listed for enrollment as Cherokee Freedmen on Doubtful card No. 1138. Further proceedings in the matter of said application were had on January 3, 1905, at Muskogee, Indian Territory, on April 11, 1905, at Fort Smith, Arkansas, and on April 24, June 15, and August 24, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein should be classified as Cherokee Freedmen; that the applicant Jess Fulson, is identified on the Cherokee authenticated tribal roll of 1880, and Cherokee Census roll of 1896, and, up to and including September 1, 1902, has continuously lived in the Cherokee Nation since birth; that the minor applicants, Charley Fulson, Allie Fulson and Girtie Fulson, are children of the applicant Jess Fulson, were born since 1880, have continuously lived in the Cherokee Nation since birth, and are identified on the Cherokee Census roll of 1896.

IT IS THEREFORE ORDERED: That Jess Fulson, Charley Fulson, Allie Fulson and Girtie Fulson, be transferred from Cherokee Freedmen Doubtful card No. 1138, to a Cherokee Freedman straight card.

Dated at Muskogee, Indian Territory,

this SEP 18 1905

Vinita Indian Territory, July 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Jesse Fulsom et al

Vs Cherokee Nation

Attorney for Applicant.

Arizona, a Territory, }ss.

RECEIVED ... [illegible] ... FILED ...

... a copy of the foregoing in IN 1138 - Jesse Tolson et al

(Supl Stmts)

Attorney for Applicant

Chelsea Indian Territory, 5/3 1905

RECEIVED BY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

One copy of the testimony in Jess Sulsoumtal-

Cherokee Enrollment D 1138

L. P. Bledsoe

Attorney for Applicant.

RESIDENCE: Nowata DISTRICT. 3

POST OFFICE: Ft Smith Ark 3/30/05

Cherokee Nation. Freedmen Roll.

CARD NO.

FIELD NO. D 1138

DAWES' ROLL NO.		NAME	RELATIONSHIP TO PERSON FIRST NAMED	AGE	SEX	TRIBAL ENROLLMENT YEAR	TRIBAL ENROLLMENT DISTRICT	TRIBAL ENROLLMENT NO.	SLAVE OF	REMARKS
	1	Gibson, Jess		32	M	1880	Cooweescoowee	1190		
	2	" Charley		12	M	1896	Delaware	45		
	3	" Allie		10	F	1896	"	46		
	4	" Elsie		6	F	1896	"	47		
	5									
	6									
	7									
	8					Nowata Enrl Card page 130 #444 Del. Dist. as Jessie Gibson				
	9									
	10		No 13 - Secure testimony as to residence							
	11		" " " "							parentage & children with ages.
	12									
	13									
	14									
	15									
	16									
	17	See D 1022								
	18	Listed for enrollment								Sept 1902

ADDITIONAL INFORMATION ON REVERSE SIDE.

COPY.

Cherokee Freedmen

D-1138.

Muskogee, Indian Territory, January 13, 1905.

I. P. Bledsoe,

Agent for Jesse Fulsom, et al.,

Choteau, Indian Territory.

Dear Sir:

There is herevith inclosed a copy of supplemental proceedings had at Muskogee, Indian Territory, January 6, 1905, in the matter of the application for the enrollment of Jesse Fulsom, et al., as Cherokee freedmen.

Respectfully,

Tams Tibby.

Chairman.

Incl. S-42.

COPY

Cherokee Freedmen

D-1138.

Muskogee, Indian Territory, January 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental proceedings had at Muskogee, Indian Territory, on January 6, 1905, in the matter of the application for the enrollment of Jesse Fulsom, et al., as Cherokee freedmen.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-41.

C.F.D. 1138

Received April 13, 1905.

Branson, Fred P/,
Muldrow, I.T.
Cherokee Nation,
April 11, 1905.

Reports that testimony has been taken in certain cases.

Cherokee Enrollment.

Muldrow, Indian Territory, April 11, 1905.

Commission to the Five Civilized Tribes,

(Cherokee Enrollment Division),

Muskogee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the following cases:

C.D. 2984 -- Francis DuVual. Status taken.

C.D. 2972 -- Kinny Vann. As to residence and citizenship.

C.D. 2200 -- Margaret Russel. Showing applicant dies prior to September 1, 1902.

C.D. 1862 -- Lucy McCoy. As to residence and paternity.

C.D. 2138 -- J. H. Cullpepper. Showing applicant died prior to September 1, 1902.

C.D. 2159 -- Samey Daugherty. Showing Samey Daugherty to be identical with Sam Sevenstar, under which name he may be on the final roll.

C.D. 2226 -- Lyda Walkingstick. Showing applicant died prior to September 1, 1902.

C.F.D. 1138 -- Jess Fulsom et al. Showing residence and paternity of the minor applicants.

C.D. 1620 -- Altabena Johnson. A. Duplicate.

Respectfully,

Fred P. Branson.

COPY.

Cherokee Freedmen

S-1113.

Muskogee, Indian Territory, April 25, 1905.

I. P. Jackson,

Agent for Jess Fulsom, et al.,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on April 21, 1905, in the matter of the application for the enrollment of Jess Fulsom, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-88

COPY.

Cherokee Freedmen

D-1022.

Muskogee, Indian Territory, June 21, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated June 21, 1905, cancelling the enrollment of Charles Fulsom, No. 2 on Cherokee freedman card No. D 1022, he having been listed for enrollment on Cherokee freedman enrollment card No. D 1138 under the name of Charley Fulsom.

Respectfully,

(SIGNED) ..... Chairman.

Incl. S-36.

COPY.

Cherokee Freedman

D-1022.

Muskogee, Indian Territory, June 21, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated June 21, 1905, cancelling the enrollment of Charles Fulsom, No. 2 on Cherokee freedman enrollment card No. D 1022, he having been listed for enrollment on Cherokee freedman enrollment card No. D 1138 under the name of Charley Fulsom.

Respectfully,

Tams Bixby

Chairman.

Incl. S-37.

(C O P Y)

Land

47213-1905 DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 24, 1908

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee freedmen by Richard Vann for himself, his wife, Amy Vann, (by intermarriage) and his minor children, Stella, Harry, Bessie, Charlie and Lucy L. Vann.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken out of the Cherokee Nation during the war, and returned thereto and established a residence therein on or before February 11, 1867; that from the date of return he continuously lived in said Nation until about 1870; that during the period between 1870 and 1891 inclusive he resided a major portion of the time outside of the Indian Territory; and that from 1891 up to and including September 1, 1902, he continuously lived outside of the Territory.

Amy Vann claims and possesses no rights to enrollment other than by virtue of her marriage to Richard Vann. The minor applicants are children of Richard Vann, were born since 1880, and have continuously resided with their father since birth and possess no rights to enrollment other than as his descendants. None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.
W.

Cherokee Freedmen

D-1138.

Muskogee, Indian Territory, August 14, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Jess Fulsom and his minor children, Charley, Allie and Girtie Fulsom, as Cherokee freedmen, you are advised that before the right to enrollment of his children, Allie and Girtie Fulsom, can be definitely determined it will be necessary that further testimony be introduced as to their maternity.

Eliza Fulsom, the alleged mother of these children, has this day been notified to appear before the Offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, August 17, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce testimony in this case.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-1138.

Muskogee, Indian Territory, August 14, 1905.

I. P. Bledsoe,

Agent for Jess Fulsom, et al.,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jess Fulsom and his minor children, Charley, Allie and Girtie Fulsom, as Cherokee freedmen, you are advised that before the right to enrollment of his children, Allie and Girtie Fulsom, can be definitely determined it will be necessary that further testimony be introduced as to their maternity.

Eliza Fulsom, the alleged mother of these children, has this day been notified to appear before the Offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, August 17, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-1138.

Muskogee, Indian Territory, August 14, 1905.

Eliza Fulsom,

Care of I. P. Bledsoe,

Choteau, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment, as Cherokee freedmen, of Jess Fulsom and his minor children, Charley, Allie and Girtie Fulsom, you are advised that before the right to enrollment of his children, Allie and Girtie Fulsom, can be definitely determined it will be necessary that further testimony be introduced as to their maternity.

You are, therefore, hereby notified to appear before the Offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, August 17, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

LS

Acting Commissioner.

COPY.

Cherokee Freedman D-1138.

Muskogee, Indian Territory, August 29, 1905.

I. P. Bledsoe,

Agent for Jesse Fulsom et al.,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment of Jesse Fulsom et al., as Cherokee freedmen, together with a receipt for same, which you will please sign and return to this office.

Respectfully,

SIGNED).
Tams Bixby.
Commissioner.

Incl. GL-93.

GHL

COPY.

Cherokee Freedman D-1138.

Muskogee, Indian Territory, August 29, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment of Jesse Fulsom et al., as Cherokee freedmen.

Respectfully,

(SIGNED):
Tams Bixby.
Commissioner.

Incl. GL-94.
GHL

Cherokee Freedmen

COPY.

D-1138.

Muskogee, Indian Territory, September 28, 1905.

Jess Fulsom,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, transferring the names of yourself and minor children, Charley, Allie and Girtie Fulsom, from Cherokee Freedmen doubtful card No. 1138, to a Cherokee freedman straight card.

You are further advised that you will not be permitted to make allotment selections for yourself and minor children until your names have been placed upon a schedule of Cherokee Freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

SIGNED:

Tams Bixby

Commissioner.

LS
Incl. S-61

Cherokee Freedmen

COPY.

D-1138.

Muskogee, Indian Territory, September 28, 1905.

I. P. Bledsoe,

Agent for Jess Fulsom, et al.,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, transferring the names of Jess, Charley, Allie and Girtie Fulsom from Cherokee Freedmen doubtful card No. 1138 to a Cherokee Freedmen straight card.

Respectfully,

[illegible]

Commissioner.

LS
Incl. S-64

Cherokee Freedmen

COPY.

D-1138.

Muskogee, Indian Territory, September 28, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, transferring the names of Jess, Charley, Allie and Girtie Fulsom from Cherokee Freedmen doubtful card No. 1138 to a Cherokee Freedmen straight card.

Respectfully,

SIGNED
Tams Bixby.
Commissioner.

LS

Incl. S-62

(C O P Y)

D. C. 48139-1905
I.T.D. 7770-1905

W J F
LLB
Y.P.

DEPARTMENT OF THE INTERIOR

L R S

WASHINGTON.

October 14, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Richard, Stella, Harry, Bessie, Charlie, and Lucy L. Vann as Cherokee freedmen, and Amy Vann as a citizen by intermarriage of the Cherokee Nation.

Reporting June 24, 1905, the Indian Office recommended that the Commission's decision , adverse to the applicants, be approved.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully ,

(Signed) E. A. HITCHCOCK

Secretary

1 inclosure.

Cherokee Fr.
D- 1338

COPY.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment as Cherokee Freedmen of Richard, Amy, Stella, Harry, Bessie, Charlie, and Lucy L. Vann, Cherokee Fr. D-1338, was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

SIGNED.
Tams Bixby.
Commissioner.

Encl. J-19

Cherokee Freedmen

D 1338.

COPY.

Muskogee, Indian Territory, October 31, 1905.

Richard Vann,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1905.

Respectfully,

SIG

Commissioner.

LS

Cherokee Freedmen

D 1338. COPY.

Muskogee, Indian Territory, October 31, 1905.

W. J. Sullivan,

Attorney for Richard Vann, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Richard Vann, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby.

Commissioner.

IS
Incl. S-59

Cher Fr 1484
Trans. from Cher Fr D 208

Cher Fr 1484

FILED

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 6th 1901.

In the matter of the application of Rosa Roe for the enrollment of herself, husband and three children as Cherokee Freedmen. She being duly sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Rosa Roe.
Q Who do you want to have enrolled? A. Myself and children.
Q How many children have you ? A. Three that is under age.
Q Have you a husband? A. Yes sir.
Q Is he a Cherokee Freedman? A. Yes sir.
Q Why dont you apply for him then? A He is not here.
Q Where is he? A. I left him at home with the children.
Q Well you apply for him also? A. Yes sir.
Q How old are you? A. About 47 or '8.
Q What is your post office? A. Ketchum.
Q In what district do you live? A. Delaware.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Have you always been a recognized Freedman of the Cherokee Nation? A. Yes sir.
Q Have you always been admitted to the Cherokee Rolls? A. Yes sir.
Q Give me the name of your father? A. He was a Cherokee named John Wildcat.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. I dont know.
Q Over 30 years? A. Yes sir.
Q Give me the name of your mother? A. Judie Looney.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. About three years
Q Give me the names of your children? A. Jesse Roe.
Q How old? A. 19.
Q Next child? A. Lutitia.
Q How old? A. 13.
Q Next child? A. Daniel.
Q How old? A. 9.
Q Are these children all living now? A. Yes sir.
Q Give me the name of your husband? A. Aleck Roe.
Q How old is he? A. I think he is a little younger than I am, about 45.
Q Is he a Cherokee Freedman? A. Yes sir.
Q What is the name of his father? A. Jesse Roe.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. About 9 years.
Q Give me the name of your husband's mother? A. Sylvia Grimmett.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. About 30 years.
Q When were you and your husband married? A. In June 67,
Q Have you lived together ever since? A. Yes sir.
Q Has your husband always been admitted to enrollment as a Cherokee Freedman? A. Yes sir.
Q Your mother Judie Looney, did she ever have any other name besides Looney? A. Yes sir Ratlingourd
Q Did she ever have the name of your father, William? A. After the war.
Q When she died was her name Williams? A. Yes sir.
Q Were you ever enrolled under that name? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Rosie Williams, Cooweescoowee district. Page 203, No. 3315.
Judy Williams, Cooweescoowee district, Page 203, No. 3312.

Q Where was your husband in 1880? A. In Detroit Michigan in prison.
Q Where was he sent from? A. Fort Smith in the U. S. Court.
Q How long did he stay in Detroit? A year and eight months I think.

Q What was he sent for? A. I dont know, he went down there with Arch Landrum and Jack Baldridge and I dont know what he was sent for.
Q Did you draw your Cherokee Strip money? A. No sir.
Q Why not? A. I dont know.
Q Did you apply for it? A. Yes sir.
Q Did your husband draw Cherokee Strip money? A. No sir.
Q Did any of your children draw Cherokee strip money? A. No sir.
Q How old was your husband's father when he died? A. I dont know, sir, he was an old man, he came from Georgia with the old settlers.

The 1880 authenticated roll of the Cherokee Nation examined and the name of Louis Rowe identified on Page 303, No 2110 in Delaware district.

Q Was this Louis Rowe your husband's brother? A. Half brother, same father anddifferent mother.

The 1880 authenticated roll of the Cherokee Nation examined and the name of Ben Grimmett identified thereon as follows: Page 108, No. 1814, Ben Grimmett, Goowees coowee district.

Q Is this Ben Grimmett living? A. Yes sir.
Q Is he a brother of your husband? A. A half brother, same mother and different father.
Q Where was your husband when the war closed between the North and the South? A. He was in the Nation, living in Flint.
Q Got any one here who knows that you and your husband were living together as husband and wife? A. Yes sir.

PETER WILLIAMS, called and sworn as a witness testified as follows:

Q What is your name? A. Peter Williams.
Q How old are you? A. About 75 or 80.
Q What is your post office ? A. Vinita.
Q Are you the Peter Williams who enrolled just now? A. Yes I guess I a,
Q Are you the father of this woman? A. She is my step daughter.
Q What is her name at this time? A. She has been going by the name of Williams; Rose Ratlingourd is her maiden name, and Roe is her right name now.
Q How long has she been married to this man Roe? A. I cant tell you.
Q A great number of years though? A. Yes sir.
Q Did you have this woman enrolled in your family in 1880? A. ~~Yes sir~~. She is on so many rolls I cannot tell you. I know that her mother had her before I married her and I had her put on as Williams long time ago.
Q Her husband, Aleck Roe, how long have you known him? A. Years before the war.
Q Was he a slave here? A. Yes sir.
Q To whom did he belong? A. Grimmett.
Q What is his full name? A. John Grimmett.
Q Where was this man Aleck Roe when peace was declared? A. I cannot tell you where he was then.
Q You didn't have the run of him then? A. No sir.
Q Was this man Aleck Roe ever married before he married this woman here? Never was.
Q Have you known him ever since he was a child? A. Ever since he was a young man.
Q How old was he when you first knew him? A. I cannot tell.
Q Was he old enough to have been married when you first knew him? A. Yes sir I suppose he was.
Q But you always understood that he had never been married until he married this woman here? A. Yes sir.
Q Was this woman ever married except to this husband? A. No sir.
Q Have they always lived together as husband and wife ever since they were married?

A Ever since.

By the Commission of the applicant:

Q Have you lived in the Cherokee Nation eversince you were enrolled in 1880? A. Yes sir.

By Com'r Breckinridge,-

The applicant applies for the enrollment of herself, husband and three children. She is identified on the roll of 1880; she appears to have lived in the Cherokee Nation all her life, and no sufficient reason is shown why she is omitted from the Kerns Clifton roll, or the roll of 1896, upon neither of which rolls has she been found. Her enrollment in 1880 is under the name of her step father; the variation in her name is established in a satisfactory manner by her own and her father.s testimony. It appears that she was married as far back as 1867 to her present husband. She will now be listed for enrollment as a Cherokee Freedman. Her three children named in the testimony are not identified on any of the rolls of the Cherokee Nation, they are now living and are minors. These children, Jesse, Lutitia and Daniel Roe will now be listed for enrollment as Cherokee Freedmen, and the applicant is desire to supply the Commission with a certificate of their birth . Her husband is not identified on either the roll of 1880 or the Kerns Clifton roll of the census roll of 1896; it appears that he was in prison in Detriot, Michigan when the roll of 1880 was made; his half brother through his mother, and whose name is Benjamin Grimmett, is identified on the roll of 1880, and a half brother through his father , whose name is Louis Roe, is also identified on the roll of 1880, but it is not clearly established at present , however, that the applicant's husband qualified under the Treaty of 1866, and for the further consideration of his case he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

* * * * * * * * * * * *

A D D I T I O N A L T E S T I M O N Y .

By Com'r Breckinridge of applicant:

Q What time in 1867 were you and your husband married? A. First part of July, we were going to school together and after school was out we married.
Q How long did you go to school? A. One session.
Q When did that session begin? A. I think it commenced in February and held until the last part of June.
Q How long did you know your husband before you married him? A. I dont know just how long.
Q About how long? A. We was children together.
Q How old were you when you married? A 19.

Q How long had you been seeing him in your neighborhood when you married him? A. Long in the winter when they came back to where we was living on the river
Q That was in the February before you were married? A. I am not certain, I think it was before.
Q Where did he come from when he came there? A. I dont know, I never asked him, he was with his father.

Q Where was it that he came to when he met you? A. On Grand river.
Q Near what post office? A, There was no post office there then,
Q Was it in the Cherokee Nation? A. Yes sir.

By Cherokee Representative L. B. Bell-

Q How far was it from where the postoffice of Ketchum is now? A. Near w
where Bob Daniel's is living.
Q Where was the school that you went to? A. I went to school with Aleck
Roe at Br Thompson's place and Miss Lynch was our teacher; that was the
first school that the freedmens had here after the war.

PETER WILLIAMS, recalled and examined by Commissioner Breckinridge:

Q How long have you known this man Aleck Roe? A. I dont exactly know.
Q Ever since he was a child? A. Yes sir.
Q You knew him before the war between the North and the South did you?
A Yes sir
Q Did you know him back in slavery days? A. Yes sir.
Q Who is it you say he belonged to? A. Bill Grimmett——no John Grimmett
Q Who did you belong to? A. William Williams.
Q Did you know Jesse Roe, the father of Aleck? A. Yessir.
Q Did he belong to the same master that Aleck did? A. I dont remember.
Q Where di you first see Aleck after the war——after peace was declared?
A I dont want to tell no lies, I wont do it if I know it——I think it was
in Flint district.
Q How long before he married your step daughter? A. A good while.
Q About how long? A. I dont know, cant get at it that way.
Q Was it as much as a year? A. Oh yes sir, as much as a year I surpose.
Q Did he move intoxxx your neighborhood before he and your daughter were
married, or do you remember? A. No sir I dont know exactly.
Q He and your daughter went to school together didn't they? A. That is
what she says.
Q Were you married to this woman's mother at the time this woman and
Aleck Roe were married? A. I married this womans Mother when her youngest
child was a xxxx crawling baby.
Q So this woman had a baby before she was married to Roe did she? A. No
sir my wife had the baby.
Q I am not taking about that— what I want to know is, if you married
Rosa's mother before Rosa married Aleck Roe? A. Yes sir.
Q Did you marry the mother of Rosa while the war was going on? A. Yes
sir.
Q Do you remember Aleck Roe going to school with this woman before they
were married? A. It is all kind of a dream to me, I dont remember it
just exactly.
Q Too far back for you to remember? A. Yes sir.
Q Do you remember Aleck's people coming into your neighborhood before
he and Rosa were married? A. No sir I dont remember their coming.
Q Where was Aleck Roe living at the time he married Rosa? A. He had been
living in Flint, he came down here and they got married.
Q And he had been living just before that in Flint? A. Yes sir.
Q Did you see him in Flint? A. Yes sir.
Q How far from you was he living when he lived in Flint? A. I dont know.
Q Do you remember where he was living in Flint before he married your
step daughter? A. I cannot tell you that.
Q You just remember that he was living in Flint? A. Yes sir.

By Cherokee Representative W. W. Hastings.

Q Where did you say you saw him in Flint after the war? A. I didn't see
him there after the war.

It was before the war? A. Yes sir.

By W. W. Hastings of applicant.

Q Have you a child that is older than the ones you have applied for? A. Yes sir Perry Roe.
Q Did you have a child older than Perry? A. Yes sir.
Q How much older is that one than Perry? A. I dont know exactly.
Q Was there more than one that was older than Perry? A. Yes sir, two both of them died when they was babies.
Q Do you think that the first one was born more than four years before Perry was---was there as much as two years between their births? A. I dont know.

By Commission of applicant-

Q You have some children then that are not by Aleck? A No sir, all my children is by Aleck.
Q You had some children by him then before you and he were married? A. No sir.
Q You were never married except to Aleck Roe? A. That is all.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 7th og May, 1901 at Vinita,I.T.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 8 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 8th 1901

Post Office Ketchum I.T.

District Delaware.

1. Name Alexander Rowe Age 40

Owner's name Jim Bunnett Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father Jesse Rowe (dead) Citizenship Colored.

Mother Sylvia Bunnett (dead) Citizenship Colored.

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer W. D. Green

704

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 6 1901

ACTING CHAIRMAN.

RANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 6, 1901

Post Office Vinita I. T.

District Delaware

1. Name Alex Rowe Age 45 Citizenship

Owner's name ~~John Grimmett~~

Year Page No. District

Parents:

Father Jesse Rowe - dead Citizenship

Mother ~~Sylvia Grimmett~~ - dead Citizenship

2. Name of wife Age Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Jesse Rowe - dead Stenographer [illegible]

X

THE FIVE C...
FILED
...CHAIRM...

SUPPLEMENTAL TESTIMONY.

CHEROKEE FREEDMAN, D. 208.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 8th 1901.

In the matter of the application of Aleck Roe et als.

ARCH LANDRUM, called and sworn as a witness on the part of the Applicant examined by Commissioner Needles, and testified as follows:

APPLICANT and ATTORNEY FOR THE CHEROKEE NATION BOTH PRESENT.

Q What is your name? A. Arch Landrum
Q How old are you? A. About 70
Q What is your post office address? A. Ketchum
Q Do you know Aleck Roe? A. Yes sir.
Q Do you know where he was in 1866 or the spring of 1867? A. I dont know as I can recollect that.
Q Do you know of him going to school? A He did.
Q Who to? A. Cynthia Lynch.
Q Was you a director of the school at that time? A. Yes sir.
Q You dont know in what year that was? A. No sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 9th of May, 1901, at Vinita I. T.

Commissioner.

SUPPLEMENTAL TESTIMONY.

CHEROKEE FREEDMAN D. 808.

Alexander Roe et al, applicants.

Attorneys for the Cherokee Nation and the applicant himself, both present.

****

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9th, 1901.

ANDY FRY, called and sworn as a witness on the part of he applicant, testified as follows before Commissioner T. B. Needles:

Q What is your name? A. Andy Fry.
Q How old are you? A. 66.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q As a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Alexander Roe? A. Yes sir.
Q How long have you known him? A. I have known him ever since '67.
Q Was he a slave? A. Yes sir.
Q What was his owners names? A. He belonged to he Grimmetts.
Q Was he taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did he first return to the Cherokee Nation? A. I dont know.
Q When did you first, see him after he war? A. In 1867.
Q What part of the war? A. In he spring of '67.
Q Where was that at? A. Over here across the river at Dr. Thompson's
Q Did you know him before the war? A. Yes sir.
Q Where was he taken during the war? A. Into Kansas.
Q What part of Kansas? A. Fort Scott.

By. W. W. Hastings, Cherokee attorney_

Q Did you live on Dr. Thompson's place at that time? A. Yes sir.
Q Do you know if this man has lived in that neighborhood ever since that time you first saw him after the war? A. Yes sir.
Q Never been out since then? A. No sir not that I know of.

By the Commission.

Q Was he going to school there when you got acquainted with him after the war? A. Yes sir.
Q Who to? A. Cynthia Lynch.
Q Where at? A. At Dr. Thompson's place where I lived.

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Chas. von Weise, being sworn stats hat as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Chas von Weise

Subscribed and sworn to before me this the 11th of May, 1901, at Vinita I. T.

W N Ensign

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 8, 1901.

In the matter of the application of Alexander Roe for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Alexander Roe.
Q How old are you? A I guess I am some what over 40 years old.
Q What is your post-office address? A Ketchum.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll beside des yourself? A I guess my family is already enrolled.
Q Yourself? A Myself alone.
Q Did you ever apply to be enrolled by any other tribe?
A No sir.
Q Never did draw money from any tribe or nation other than the Cherokee? A No sir.
Q Your name on the authenticated roll of 1880? A I don't know sir, I wasn't here in 1880; my family was here; I was away from home; I lived here in the Nation.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found.

1896 census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw your Werns-Clifton money? A No sir.
Q Never drew anything? A No sir.
Q Were you a slave? A Yes sir.
Q Where were you during the war between the United States and the Confederacy? A In Kansas awhile.
Q When did you return? A I returned right after the war, I don't know exactly what year it was. I was quite young at that time; I didn't pay no attention.
Q What was your owner's name? A John Grimmett.
Q Was he a Cherokee citizen? A Yes sir, he was said to be a Cherokee citizen; at least he was the man that owned me when the war come up.
Q What was your father's name? A Jesse Roe.
Q Is he living? A No sir; dead.
Q Your mother's name? A Sylvia Grimmett.
Q She living? A She is dead.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's father, and name not found.

Q Your father die before 1880? A No, I think that he died right away after the Wallace census.
Q You know Easter Grimmett? A That's my sister.
Q And Nathan? A That's her son.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's mother found thereon as follows: page 112 #1312 Silvy Grimmet, Cooweescoowee District.

Q Did you and Easter return to the Cherokee Nation at the same time? A No sir.
Q You came afterwards did you? A I don't know what time she come; we were not together; I was with my father, Jesse Roe.
Q What proof have you got that you were here in '66? A All the proof I can give you, I come here and went to school, and after school adjourned I married this woman I went to school with, and Cynthia Lynch is the woman that taught school at thattime; I and my wife went to school together.

Examined by Cherokee Representative, W.W.Hastings:

Q Where have you lived since you came back? A Right on the river there.
Q You have lived there ever since? A Yes sir.
Q You came back with your father, Jesse? A Yes sir.
Q To the same place that you live now? A Yes sir.

Examined by Commissioner Needles:

Q How old was you at that time? A I don't know exactly how old I was at that time; I was just a boy.
Q Who took you out, your father? A My father.
Q You came back with him? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Your father and mother never lived together after the war?
A Never lived together after the war.

MOSE HARDRICK, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mose Hardrick.
Q How old are you? A I don't know, I guess according to the statement my uncle has given me I must be 71 years old.
Q You know Alex Roe? A Yes sir.
Q You know where he was in '66? A I know where he was since the war, right after the war he was over here on Grand River.
Q You know where he was during the war? A I do part of the time, he was with me as militia.
Q You were in the Territory then? A No, I were at Fort Scott, Kansas.
Q Did he come back with you? A No sir, he didn't come back with me; he come same spring I did come.
Q What spring did you come? A The Indians said it was in 1866.
Q He came with you? A Didn't come with me; he come right afterwards.

Examined by Cherokee Representative, W.W.Hastings:

Q You know how long after he come until you come? A No sir.
Q You come in the springof the year? A Yes sir.
Q You came the next spring after the treaty was made? A I came shortly after the war, the Indians said it was '66.
Q You come in the springof the year? A Yes sir.
Q That the reason you came back, you heard you had to come back under a treaty? A I heard I had to come back home; I don't know whether it was under treaty or not.
Q You came back next spring? A I come back after I heard that.
Q How long was it until you heard of Alex Roe? A I don't know.
Q You don't remember how long? A I don't remember how long.

Applicant re-called, and further examined;
By Cherokee Representative, W.W.Hastings:

Q Was your father a preacher, Jesse Roe? A Yes sir.
Q Didn't he go to Texas after the war? A No sir, if he did I don't know nothing at all about it; I don't remember it. He may have went to Texas, but I don't remember him going there.
Q Is your brother Jesse a preacher? A Yes sir.
Q Well, he went to Texas? A Yes sir.
Q Did your father live and die there? A Yes sir.
Q Your father was living five years ago, and applied to the Commission didn't he, the Kern-clifton Commission? A No sir, he was not living then; he was dead; he only drew the Wallace money at the

Q He wasn't alive when the Clifton-- he was dead? A No sir.
Q You know what time of the year you came back here? A No sir, I don't; I am giving you facts, I don't just know.

Examined by Commissioner Needles:

Q Did you come back with your father and your mother? A I came back with my father; when me and my father got acquainted with these people we was all darkies that lived around there; there's a great many of the darkies here that knows when the old man come back. My main witness is Ben Grimmett; him and the old man was in this country together; he lives out here at Nowata; that's my oldest brother; he could tell just exactly what time him and the old man was down here.
Q Did you get your Strip payment money? A No sir.
Q You never drawed any? A Never drawed any.
Q Your name aint on any of the rolls then? A My name is only on the 1893 roll and the 1867 roll.

Examined by Cherokee Representative W.W.Hastings:

Q You never introduced a witness in your behalf five years ago did you? A No sir, you remember you told me to meet you here at Vinita and I met you there, and I had to do some interpreting for you all and I asked Mr. Keys was he ready and I asked Mr. Thompson, and also asked you at the post-office, I told you I was there with some witnesses you remember, I was doing some interpreting for the Clifton court, and I was on the Anderson Hill and was taken sick, and they had to haul me home.

ELLIS GRIMMETT, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ellis Grimmett.
Q How old are you? A 50.
Q What is your post-office? A Welch.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the authenticated roll of 1880? A I think so.
Q You know Alexander Roe? A Yes sir.
Q What relation are you to him? A Brother.
Q How long have you known him? A Always.
Q Where was he in '66? A On Grand River here.
Q He was in the Cherokee Nation? A Yes sir.
Q Was he taken out of the Cherokee Nation during the war? A Yes sir
Q Where to? A Fort Scott.
Q When did he return? A In '66.
Q Did you return with him? A He came a little ahead of me.
Q Who was with him when he returned? A His father.
Q Why is his name not on the roll of 1880? A I couldn't tell.
Q Are you older than he? A Yes sir.
Q You say you returned in '66? A Yes sir.
Q And he came before you? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Where did you go during the war? A Fort Scott.
Q Was he up there at the same place? A Yes sir, right in the neighborhood.
Q Where did you come back to? A I come up here on Russell Creek.
Q In the year 1866? A Yes sir.
Q Now how long after you came until you saw him? A It must have been probably six months probably, as near as I can come at it.
Q What time of the year did you come? A I think it was along in August, if I aint mistaken.
Q Then you never saw him until 1867 here in the Territory? A No sir, it was in '66, somewhere along in '66.

Q Somewhere along in '66 when you saw him? A Yes sir.
Q Did he come up there on Russell Creek? A No sir, I met him in Chetopa.
Q In the year '66? A Yes sir.
Q Up there trading was he? A Yes sir.
Q In town there? A Yes sir.

Examined by Commissioner Needles:

Q Chetopa, in Kansas? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q He went up there to trade? A Yes sir.
Q That after this railroad was built through here? A No sir.
Q Was the town of Chetopa there at that time? A There was one or two houses.
Q Stores? A Yes sir.
Q Who was up there with him? A I don't remember whether anybody was with him or not.
Q How far did you live from Chetopa at that time? A Must be about two miles I think.
Q You lived there with your mother? A No sir.
Q Who were you with? A My father-in-law.
Q What was his name? A Robinson.
Q What direction from Chetopa? A South.
Q Over on the Cherokee side? A Yes sir. You know where the Bou-[illegible] place is, on the creek?
Hastings: Yes.
Witness: Well, west, a little above that place.
Q You lived right there in '66? A Yes sir
Q When did you next see this man? A I couldn't say particular when; not long; I has saw him ever since; I couldn't say how often.
Q You are a half-brother of his, same mother? A Yes sir.
Q Same father aint it? A No sir, same mother.

L. D. DANIELS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A L.D.Daniels.
Q What is your age? A 56.
Q What is your post-office address? A Claremore.
Q You are a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q You know Alexander Roe? A I got acquainted with him in 1886 first time; I recollect knowing him, I met him in this town.
Q You know whether he was here in '66 or not? A No sir, I don't know.
Q You don't know anything about it? A No sir, I don't know that.

Applicant, Alexander Roe, re-called, and further examined; By Cherokee Representative, W.W.Hastings:

Q Your father and your family were counted as disputed people directly after the war? A In '70.
Q And you were summonsed to Tahlequah before the Supreme Court down there? A No sir.
Q Your father wasn't? A He wasn't, neither was I. I taken the summons that was sent up here and summonsed these colored people that was around in my neighborhood, and I went with them, but I had no summons.
Q You were down there? A Yes sir.
Q And your case was up before the court? A No sir, I am giving it to you correct.
Q You deny that your case was up before the court? A Yes sir.
Q You wasn't a recognized citizen? A I was always a voter.

Q You were not put on the roll? A No sir.
Q Where were you in 1880? A I was in prison in Detroit, Michigan.
Q What was you in prison for? A Arch Landrum got into some trouble---
Q Tell us the charge, whiskey, stealing or what? A It wasn't no stealing, I disremember what Arch's charge was, but I went down to Fort Smith to help him out, and Arch jumped his bond, and I got into it that way.
Q You didn't know what you were sent off for? A No sir. That's just the way it was; Mr. Markham he is the man that would be able to tell you exactly what for.

Examined by Commissioner Needles:

Q I understand you to say you were in Detroit, Michigan, in prison in 1880? A Yes sir.

Commissioner Needles: Alex Roe applies for the enrollment of himself as a Cherokee Freedman; his name is not found upon the authenticated roll of 1880, nor upon any other roll in the possession of the Commission; by reason of the fact that his name is not on the roll, and the unsatisfactory proof as to his citizenship, his name will be placed upon a doubtful card for future consideration.

He avers that Sylvia Grimmett is his mother, and the name of Sylvia Grimmett is found upon the authenticated roll of 1880.

---***---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 13,1901.

C J Breckinridge

Commissioner.

Cherokee F.D-208.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

TAHLEQUAH, I.T., APRIL 4, 1904.

In the matter of the application of Alexander Rowe for enrollment as a Cherokee freedman.

SUPPLEMENTAL STATEMENT.

---o---

Upon an examination of the records of the Commission, it appears that Ellis Grimmett, a half-brother of the applicant and a witness in the above entitled case, is identified upon the 1880 authenticated roll of citizens of the Cherokee Nation, has been regularly enrolled by this Commission and his enrollment approved by the Secretary of the Interior, appearing upon final roll of Cherokee freedmen as number 2674.

It is ordered that a copy of this statement be filed with and made a part of the record in the application of Alexander Rowe for enrollment as a Cherokee freedman, Cherokee F.D-208.

C. R. Breckinridge

Commissioner.

MFM

Cherokee Freedmen D-208.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Rowe as a Cherokee Freedman.

DECISION.

The record herein shows that application was made to the Commission for the enrollment of Alexander Rowe as a Cherokee freedman.

The evidence in this case shows that the applicant herein was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion the applicant left the Cherokee Nation but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears from the evidence herein that the applicant has resided continuously in the Cherokee Nation from the time of his return thereto up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that Alexander Rowe should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495.), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt

Commissioner.

Muskogee, Indian Territory,

Commissioner.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Alexander Rowe,
Ketchum, I.T.
Cherokee F-D-208
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen

D-208.

Muskogee, Indian Territory, February 4, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting the application for the enrollment of Alexander Rowe as a Cherokee freedman.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Incl. S-29.

COPY.

Cherokee Freedmen
D-208.

Muskogee, Indian Territory, February 24, 1905.

Alexander Rowe,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which has been furnished you by the Attorneys for the Nation. There has heretofore been furnished your attorney, Thomas & Foreman, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. L-74.

Register.

COPY.

Cherokee Freedman
D-208.

Muskogee, Indian Territory, February 24, 1905.

Thomas & Foreman,

Attorneys for Alexander Rowe,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting the application for the enrollment of Alexander Rowe as a Cherokee freedman.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the Attorneys for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-75.

Register.

COPY.

Cherokee Freedman
D-208.

Muskogee, Indian Territory, February 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Alexander Rowe as a Cherokee freedman, including the Commission's decision, dated February 4, 1905, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is herewith inclosed.

Respectfully,

(SIGNED). Tams Bixby. Chairman.
Commissioner in Charge.

Encl. L-73.

Through the
Commissioner of Indian Affairs.

Refer in reply
to the following
Land 16673-1905.

COPY.

Department of the Interior
Office of Indian Affairs.
Washington, March 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 24, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Alexander Rowe.

February 4, 1905, the Commission decided favorably to the applicant.

The record shows that the applicant was the slaveof a Cherokee citizen at the beginning of the was of the rebellion; that durhg said war he left the Cherokee Nation; that he returned to said nation on or before Fenruary 11, 1867, and that he has resided in said Nation ever since.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MCM.
W

Cherokee Freedmen

D-208.

Muskogee, Indian Territory, October 5, 1905.

Alexander Rowe,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 26, 1905.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-208.

Muskogee, Indian Territory, October 5, 1905.

Thomas & Foreman,

Attorneys for Alexander Rowe,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting the application of Alexander Rowe for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 26, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-45

Cherokee Freedmen

D-208.

Muskogee, Indian Territory, October 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 4, 1905, granting the application for the enrollment of Alexander Rowe as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 26, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc. S-46

C O P Y .

J.P.

I.T.D.2384-1905
D.C.No.45450-1905.

DEPARTMENT OF THE INTERIOR, ILB

L.R.S. Washington, September 26, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Alexander Rowe for his enrollment as a Cherokee freedman.

Reporting March 9, 1905, the Indian Office recommended that the Commission's decision, granting the application, be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Jan 21 Indian Territory, 1905

RECEIPT of the COMMISSION TO THE FIVE CIVILIZED

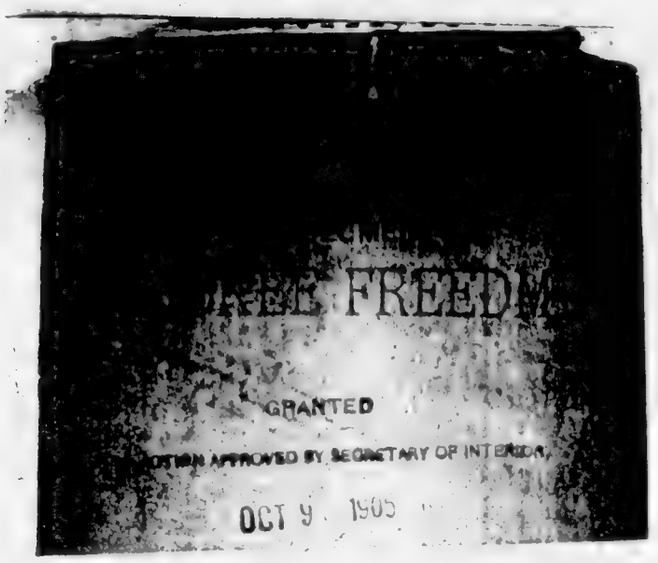
THIS is one copy of the testimony in Chickasaw

CB-208

Thomas B. Forrester
Acting for Applicants.

Cher Fr 1485

Cher Fr. 1485


FREE FREED
GRANTED
ACTION APPROVED BY SECRETARY OF INTERIOR
OCT 9 1905

FILED

ACTING CHAIRMAN

To be filed with case of Mary E. Miller, C. F. D.#967.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29, 1901.

In the matter of the application of Rhoda Thornton for the enrollment of herself as a Cherokee Freedmen; she being sworn and examined by Commissioner Needles, testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the Applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Rhoda ~~Thornton~~ Thornton.
Q How old are you? A About 66.
Q What is your post office address? A Chelsea, I. T.
Q You live in Cooweescoowee district? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and 2 daughters and my son.
Q Are your daughters of age? A Yes, sir.
Q Your son of age? A Yes, sir.
Q They must appear for themselve ; you just apply then for the enrollment of yourself? A Yes, sir.
By Mr. Smith: Where do you live? A I live about I guess it is about 18 miles east of here, in Cooweescoowee district, on the head of Pryor's Creek.
Q How long have you lived where you live now? Q I have livedbetween seven and eight years there.
Q You may give the names of your grown children? A Mary Ellen is the oldest.
Q What is her name now? A Mrs. Miller, Mrs. E. J. Miller.
Q How old is she? A She is about 42 I guess.
Q Is she married? A She has been married; she is a widow.
Q Has she any children? A No, sir.
Q Where does she live A She lives with her sister.
Q Where? A It is about two miles, she is staying on her sister's farm.
Q Where does her sister lige? A She lives on her farm.
Q Where is her farm? A About two miles from me, about 27 or 28 miles from here I guess.
Q How far from Nowata? A I guess it must be between 18 and 19 miles from here I guess.
Q In the Cherokee Nation? A Yes, sir.
Q Now give me the names of your next one? A Charlotte, Mrs. R. D. Henry.
Q She is married to a man named R. D. Henry? A Yes, sir.
Q Where does she live? A She lives on her farm.
Q At the place you just spoke of? A Yes, sir, her and her sister lives together.
Q Have you any children? A One boy.
Q What is his name? A Freddie Thornton.
Q How old is he? A About 31 or 2 now.
Q Were you a slave before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the war commenced A In Goingsnake district, on Barron Fork.
Q Where were you living at that time? A I was living with him.
Q Were you taken out of the Nation during the war? A Oh no sir, I wasn't taken out, yes I was out a little while right time the soldiers and all was there.
Q What children did you have at the time the war commenced? A I had Mary Ellen and Charlotte and little boy that diddd named Lewis; he died; I was the mother of three children time of the war.

Q Where were the children whose names you have mentioned born, outside of Mary Ellen and Charlotte? A Freddie was born in Kansas just a little after the war.
Q When did you come back to the Cherokee Nation? A Me?
Q Yes, after the war, or after you went out with the soldiers?
A When I went out with the soldiers?
Q That's what I said? A I went up to Cane Hill, and I cooked there a while for Major Willett.
Q That is Cane Hill, Arkansas? A Yes, sir.
Q That during the war? A Yes, sir, just after the Prairie Grove battle.
Q What I want to know is when you came back to the Cherokee Nation after you went out of the Nation during the war and went to Cane Hill and these places you have mentioned? A I went right from Cane Hill on down by Ray's Mill, and went down in a Government wagon, after cooking for Major Willett; I cooked for him about six weeks on Cane Hill and I cooked for him about two weeks at Ray's Mill, then I went in the Government wagons on to Ft. Gibson.
Q You know what time you went down to Ft. Gibson? A No, sir, the wagons went down before the close of the war.
Q It was during the war then? A Yes, sir, right during the war I come back.
Q How long did you stay at Ft. Gibson after you got back there?
A I stayed there at Ft. Gibson off and on I guess for tree or four years.
Q Where were you when peace was declared? A I was in Ft. Gibson, sir.
Q How long did you remain in Ft. Gibson after the war closed?
A I hmust have remained thereafter the war closee for a year or so, there in Fta Gibson and about Ft. Gibson, because I cooked for Colonel Phillips there.
Q Then where did you go? A I come up on Big Creek.
Q Was that in the Cherokee Nation? A Yes, sir.
Q How long did you live on Big Creek? A I stayed there on Big Creek quite a while.
Q You stayed about how long? A I couldn't tell you just how long, but I must have stayed there off and on for four or five years I guess, off and on.
Q I don't want to know anything about how long you stayed off and on, but when you went to Big Creek after you left Ft. Gibson how long did you stay at Big Creek? A I stayed at one place there at Nathen Tyner's there I tuess a year or more, not there at one place but I made that my stoppint place pretty much.
Q Where were you during the year of 1866? A I was in Ft. Gibson.
Q I believe you left Ft. Gibson you said? A When I come to uncle Nathan Tyner's, when I come from Ft. Gibson I come to uncle Nathan Tyner's.
Q Then where did you go? A I went to aunt Sukey Hayes, I was a widow and had to do the best I could, and had my children.
Q How many children did you have then? A Two children.
Q Where were your other children born? A In Goingsnake district, right at my masters's before the war.
Q How is that? A They was born at old Dr. Thornton's in Goingsnake district.
Q I saw where were your young ones born? A I didn't have but one younger one, he was born in Kansas.
Q When was he born? A He was born way last of '67 I think, I don't remember exactly.
Q Which one is that? A That's Freddie , my boy.
Q When were you in Kansas? A Me?
Q In '67 too? A I was there for a short while while my child was born, I was at my mother's.
Q Was your mother in Kansas at that time? A She was in Kansas, yes, sir.

Q Well now then since that time after you left Reuben Tyner,-did you say Reuben Tyner? A Nathan Tyner, we called him, he goes by Nathan Duffin now.
Q Since you left Nathan Tyner where did you go? A I lived with them until I rented my farm and when I rented a farm I lived on that.
Q Where at? A About 6 or 7 miles north of Chelsea.
Q How long have yo7 had it? A I guess about between 6 and 7 years.

By Mr. Hastings, Cherokee Rep've:

Q How far from the Arkansas line did you live at the time the war come up? A It must have been about two miles and a half or three miles; you mean when I lived where my master was?
Q Yes, sir How far was that from Dutch Mills? A I can't tell you.
Q Was it north or south or east, or do you know? A I do not.
Q That was your trading point? A Yes, sir.
Q You know the direction you went to town? A I know the directin they went to town, but I don,t know-
Q What direction did they go? A I just know the road they went over the hill.
Q How old are you now? A I am about 66.
Q You was about 26 when the war come up? A Yes, sir, I was the mother of three children.
Q Were they all born on that place? A Yes, sir.
Q What was Dr. Thornton's wife named? A Frankie.
Q Did they have any children? A Yes, sir.
Q What were their names? A They had three, Miss Martha and John and Walter.
Q At the time you left home? A Yes, sir.
Q How long did you live w uth him? A He bought me when I was about 13 years old.
Q You lived with him and was freed under him? A Yes, sir, I was the last slave that left that place, and wouldn't have left him then but was took away.
Q What kind of a house did Dr. Thornton live in? A Lon wide house, and porch between it you know.
Q Double log ouse? A No, I think it was a frame, it was ceiled 9nside; I am not sure whether it was log outside or not.
Q Did you get water out of a well of a spring? A Spring.
Q What direction from your place was Barron Fork?
A I don't know
Q You don't know whether you were living north or south of Barron Fork? A No, sir, I do not, but he had a saw mill down on Barron Fork.
Q About what aged man was Dr. Thornton when the war come up?
A He was quite an old man, he was quite gray; he used to be clerk of the court.
Q What were some of the neighbors there? A Mr. Wofford and Cornelius Wright.
Q Did you know Jack Alberty before the war? A Yes, sir, he was my master's brother, you know here are so many Jack's, but she had a brother Jack, you ought to make some distinction between the Jacks, you know.
Q H was a grown man at that time? A He wa s quite a tall man, he wasn't so old, dark eyes and hair, hair about the color of yours.
Q How far did he live from Mrs. Thonrton's at that time? A He must have lived as near as I can guess about 7 or 8 miles.
Q You saw him fequently? A Yes, sir, he was there on the place often.
Q You stayed there until the war come up and then you went out to Cane Hill? A Yes, sir, I stayed yntil the war come up, and we was all to come there, Major Willett sent some scouts down there and took me and I cooked for him.
Q Where did you live at Ft. Gibson A I lived in a little shanty

Q Who did you live with? A Irvin and BGilbert Vann boarded with me, and I washed for the soldiers, and I cooked for Col. Phillips quite a while.
Q Where did you go from there? A When I left there I don't- I went to Nathan Tyner's on Big Creek.
Q Did you have a husband at that time? A No, sir.
Q Did you ever marry the father of Fred? A No, sir.
Q You never married him? A We just lived together.
Q Did you live with the father of Fred as your husband?
A Yes, sir.
Q What was his name? A I never did tell his name.
Q But you lived with him as your husband? A Yes, sir.
Q How long did you live with him as your husband? A Me.
Q Yes? A I lived with him I guess until he died.
Q Well about how many years? A Well about 6 or 7 years.
Q Keep house together? A Me.
Q Yes? A No, sir.
Q You never kept house with him? A No, sir, I worked for him and that was all, the truth is the truth.
Q You say Fred was born in Kansas? A Yes, sir, because I went up to my mother's.
Q You lived with Fred's fatherup there in Kansas? A No, sir.
Q Where did you live with him at? A What did you say?
Q Where did you live with his father at? A In the Cherokee Nation
Q On Big Creek A No, sir, downa bout Ft. Gibson.
Q You went up to uncle Nathan Duffin's from Ft. Gibson? A Yes,si.
Q What time in the year was that? A I don't know just what time of the year, it must have been along, it was kind of cold weather.
Q What year was it? A I don't know sir exactly what year it was, but when I left Ft. Gibson it must have been along up in '67 or '68 when I left Ft. Gibson you know, because I stayed around Ft. Gibson and I cooked for Col. Phillips quite a while and that was along you know in '65
Q Have you got a very distrinct idea about dates? A No, sir, I haven't.
Q Your theory is faulty about dates A Yes, sir, and names I can't remember hardly at all these late days; I am telling you the truth gentlemen as near as I can tell it to you.
Q What was your mother's name. A Darkus Downing.
Q Did she live over there with your master before the war?
A No, sir.
Q Where did she live? A In Mound City, Kansas; she never come to the Nation at all; the only way I belonged to the Nation I was sold to the Nation.
Q Who sold you to Dr. Thornrnton? A Old Dr. Richard Williams.
Q You went to your mother's and there Fred was born? A Yes, sir. in Linn County, Kansas, because I was a widow and had to go up there.
Q How long before Fred was born that you went up there?
A I don't know, it was over a month.
Q About how old is Freedie Now? A Freddie is about 32 I guess, 31 or 2, I really don't know their ages exactly.
Q What were the members of uncle Nathan Duffin or Tyner's family when you first went up there A One George Duffin, they go by the name of Duffin now, and Josh was there.
Q What was his wife's name at that time? A I think Fanny; they belonged to the same man I did.
Q Did you know Lewis Wright ro Whitmire, before the war?
A Yes, sir. I knew him well.
Q Did you know Rufus Miller before the war? A Yes, sir, because my master was their family doctor. They lived in about two miles of our house.
Q You brought Freeddie back down here when he was a baby?
A Yes, sir, he was quite small.
Q What place did you go to then? A Uncle Nathan Tyner; we call

him Tyner, but he changed his name; go now by Duffin.
Q How long did you live there right then when you first came back there? A Please your Honor, Mr. Hastings, I can't tell exactly.
Q Well, your best judgment? A I must have stayed there 6 or 8 months before I went to work.
Q Then where did you go to work? A I went up there to Coffeyville and worked a little while, not Coffeyville, I will tell you the place in a minute,-Ft. Scott.
Q Did you have your children with you? A Me?
Q Yes? A I took my two girls to my mother's and then I went to Ft. Scott.
Q And your mother lived at Mound City, Kansas? A Yes, sir, she lived and died there; her and my father both.
Q Have you ever been married since? A No, sir, I have never been married since the war.
Q After you worked at Ft. Scott, Kansas, where did you go? A Me?
Q Yes? A I come back to the Nation.
Q At what place. A To Aunt Sukey Naves.
Q On Big Creek? A Yes, sir.
Q How long did you stay there? A I stayed at aunt Sukey's I guess, but I don't know, I guess, I don't know just how long.
Q Well, your bestjudgment? A Well I must have stayed there as much as a month or two; I would stay first at one of them p.aces and another, and when I could get work to do I would do it.
Q Worked in Kansas? A Yes, and around, I got wa hing to do there and so on.
Q Nothing but coloredpeople to work for there? A No, sir, but when I could work for a little peice of meat I did.
Q When did you ever keep house in the Cherokee Nation? A I have been running a farm for I don't know how long in the Nation.
Q About how long? A I stayed on the farm down on Big Cree four or five years.
Q Was that four or five years ago? A Which?
Q When you commenced living on the farm, a out how many years ago when you commenced keeping house and living on a farm? A Well let je think, Mr. Hastings, I suppose this is Mr. Hastings?
Q Yes, that's who it is? A I rented the Johnson farm, and I think I lived there four yearz.
Q How long since you commenced keeping house for yourself?
A I stayed on the Andy Johnson farm for about I guess about three or four years, you know, and I kept house there.
Q When did you commence doing that, how many years ago was it when you commenced doing that? A I see what you are trying to get out, and that's what I am trying to tell you, yes; how many years ago has that been?
Q Yes? A I was there on that farm quite a while before the Wallace roll, and I made a kind of farm of my own.
Q Wallace roll was made in 1889, how long before that did you commence keeping house? A I must have been there two or three years before the Wallace roll.
Q Up to '86 or '7, you hadn't kept house in the Cherokee Nation?
A Not to say particular, you know, because I was, a widow woman a d I had to work to get money enough to make a farm and save all my,- and I had to take care of my children.
Q When did you come back from Denver, Colorado? A When I went to Denver I didn't stay there very long.
Q You haven't told that before? A Well you didn't ask me.
Q I am trying to get that from you now; you did go to Denver, Colorado? A Yes, sir, I went to Denver, Colorado.
Q Now commence and tell us all about it, what you know of your whereabouts, that's what we are tryeng to get at? A If I was to undertake to tell you of my whereabouts I couldn't tell you, when I went out there I went to cook for some people.

Q When did you go? A I don't know exactly what year it was.
Q About how long after the war? A Well it was qhite a while, Freddie was plenty big for me to leave him and I went out there and cooked out there, and stayed out there about 6 or 8 months and cooked.
Q You didn't take your family? A No, sir.
Q None of your family taken with you? A No, sir.
Q Where was Freddie in the meantime? A He was with his sisters, his sisters stayed mostly with their father's, down here on Big Creek
Q You know Albert Morris? A Yes, sir, I know Mr. Morris, at least I wouldn't know Mr. Morris if I was to see him on the road.
Q You know William Noble? A Yes, sir.
Q Did you ever keep house near them? A I think it was about a mile from Mr. Morris and three or four from Mr. Nobel's, that's what they call it, but I never wa in Mr. Noble's yard or Mr. Morris' yard, because I would keep house and my daughters went out and worked on the farm.
Q When did you commence keeping house on the farm? A I can't tell you exactly.

RUFUS MILLER, being sworn by Com'r Needles, testified as follows: By Mr. Smith:
Q What is hyour name? A Rufus Miller.
Q How old are you, Mr. Miller? A I am somewheres between 53 and 5 I expect, I don't know my age just exactly what I am.
Q Where do you live? A I live at Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Cherokee Indian? A Yes, sir.
Q Do you know this applicant, Rhoda Thornton? A Yes, sir.
Q How long have you know her? A I have knowed her ever since I was a child.
Q You know who she belonged to? A Yes, sir.
Q Who? A Dr. Thornton.
Q Was he a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A He lived about three miles west of a little town they called Dutch Town, over next to Evansville.
Q You know where Rhoda Th ornton was at the time the war commenced? A Yes, sir.
Q Where A Dr. Thornton's.
Q Did she have any children at that time? A Yes, sir, she had two.
Q You know what their names was? A Believe one was named Mary Ellen and I believe the other one was named Lottie or something.
Q Where we e you during the war? A I went south.
Q What time did you get back? A I got bak Christmas Eva, '65.
Q Do you know when Rhoda Throrton first went to the Cherokee Nation after the war? A She wasn't out of here at the close of the war, she went out after the war.
Q Where was she when the war closed? A At Ft. Gibson.
Q Were was she in the year '66? A She was at Ft. Gibson.
Q You know where she lives now? A No, I don't know where she liges now; I did know where she lives, she throwed me off of her place here a little bit ago; lived down here on Pryor's Creek.
Q Near what town? A Chelsea.
Q Well since you knew her in '66 at Ft. Gibson have you seen her often? A No, sir, I ain't seen her often; she left there some time in '66 along in the fall, and I don't know where she went; I never saw her then until about 6 or 8 years ago.
Q Where did you see her then about 6 or 8 years ago? A Down here to Pryor's Creek.
Q Near what place? A Near Chelsea there, where she is living now. First tike I saw her down here at Hayden and the next time I saw her

at the other place.
Q How long have you lived in the neighborhood where you live now?
A I have lived there about 6 years I reckon.
Q How long after !66 did you live down in that part of the Cherokee Nation? A I left Ft. Gibson about '74.
Q Where did you go to? A I went to Flint District.
Q Near what place? A Near Evansville.
Q When did you get up in this part of the country? A I come up here in '81.
Q What place did you come then? A Come to Vinita.
Q And then some years before that you saw this woman over about Chelsea? A No, when I went from Vinita I went to Grand river, and lived 17 years and came to this place and the first time I saw Rhoda was that Lightning Creek payment, and the next place I saw her at home.
Q When you were living on Grand river how far were you from Chelsea?
A 25 or 30 miles, maybe 35 miles, I don't know just how far it is.
Q When she was back here in Ft. Gibson in '66 you know where her children was that you have mentioned A She had them with her I guess, I wasn't down at the house, she said she had them with her.

By Mr. Hastings: How far did you live from her before the war? A About a mile and three quarters.
Q What direction from Thornton? A South/
Q How old were you when the war come up? A I was 11 or 12 years old.
Q How old was her oldest child? A Her oldest child was up somewheres about that high.(indicating.).
Q Three or four years old? A Yes, sir, maybe a little older.
Q How old was the next one? A Next one was tolerable small.
Q Did she only have the two? A Just had the two.
Q She had no husband there? A No, sir, her husband went off in the war.
Q What was his name A Mike Whitmire.
Q You was in Ft. Gibson and saw her down there? A Yes, sir.
Q What was she doing? A When I first saw her she was cooking for Col. Phillips.
Q You haven't seen her since that time until the Lightning Creek Payment? A Not since the latter part of '66, until the Lightning Creek payment A No, sir.
Q Were you ever tried in the courts for anything? A Oh yes.
Q What for? A They tried me for Larceny.
Q Were you convicted A Yes, sir.

LUSTER FOREMAN, being sworn by Commissioner Needles, testified as follows: By Mr. Smith:
Q What is your name? A Luster Foreman.
Q How old are you? A About 50 or 60, I don't know which.
Q Do you know this applicant, Rhoda Thornton? A Yes, sir.
Q How long have you known her? A I got acquainted with her during the war.
Q Where? A I got acquainted with her first place I saw her at Cane Hill.
Q Where did you next see her after that A In Ft. Gibson.
Q When you saw her at Cane Hill was that before the war or during the war or after the war? A During the war.
Q When you saw her next after seeing her at Cane Hill was at Ft. Gibson? A Yes, sir, at Ft. Gibson.
Q When you next saw her at Ft. Gibson was that during the war or after the war was over? A Well when I saw her first she come down from Cane Hill to Ft. Gibson.
Q When was that now A That was in during the war.
Q How long did she stay about Ft. Gibson? A She stayed there to my best judgment until about '67, to my best knowledge.

Q Where was she during the year '66? A She was there.
Q Where? A Ft. Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q Did you know her before the war? A No, sir.
Q When she came there before the war was over at the time you speak about did she have any children? A Yes, sir, she had a couple of little girls.
Q When did you next see her after she left Ft. Gibson at that time? A I didn't see her any more until I come up here in Vinita.
Q Until you left Ft. Gibson? A Yes, sir, until I come up here in Vinita, I met her again.
Q Where did you see her then? A In Vinita.
Q When? A I don't know exactly how long that's been, about 10 years ago or 12, 10 years ago I guess.
Q Did you live at Ft. Gibson until that time? A No, sir, I lived there until about '75, and went into Canadian district.
Q You say you left Ft. Gibson in '75? A Yes, sir, as near sas I can remember.
Q And went to live in what part of the Nation? A In Canadian district.
Q Then how long ago was it you lived in this section of the country? A I lived up there about 15 years.
Q About how long ago was it before you got up in this part of the country? A I distemember, about 15 years I reckon, as near as I can think of it.
Q When she left Ft. Gibson do you know where she went to?
A No sir.

By Mr. Hastings: Who did she live with at Ft. Gibson? A She hired out, working out.

Q How many children did she have when you saw her thereafter the war? A She had the same two children I found her with, she had two children all along that I know of.
Q About how old was the oldest child when you first saw her?
A I don't know, I couldn't tell you.
Q As much as 15 years of age? A No, I don't think she was that old; good sized little girls (indicating.)
Q Your best judgment as to the age of the oldest one? A I could not tell you.
Q Your best judgment as to the age of the next one? A I couldn't tell you as to that; there was two little girls; one a littlebgigger than the other one.
Q You can't tell anything about the age at all? A No, sir, I couldn't tell anything about the age of the person, I was about 20 years old and I wasn't no more than about that high I reckon, (indicating.)
Q How old were ~~you when~~ they when you saw them at Ft. Gibson, were they grown at that time? A No, just small girls, come down from Cane Hill, and stayed there until about '67; she worked in the garrison there for those officers.
Q Where did she go from there? A I don't know; I don't know when she went away.
Q You keep up pretty well with these colored people? A Not much; I always make it a rule to attend to my business.
Q You never met this woman until about 10 years ago, In Vinita?
A I didn't see her no more after Gibson until I met here in Vinita.
Q Was she keeping house in Ft. Gibson? A I don't know; she worked out for some major up there, worked up in the garrison most of the time.
Q What was she doing in Vinita when you saw her there? A Northin particular, no more than I met her there.
Q She wasn't living there? A Not as I know of.
Q You don't know where she has lived in the meantime? A No, sir.
Q Don't know whether she has been in Kansas or Colorado or where?
A No, sir, I don't know anything about where she has been.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified as follows: By Mr Smith:

Q State your name? A Lewis Witmire.
Q Do you know this applicant, Rhoda Thornton? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well I have lived in here all my life.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q How long have you known this applicant? A Yes, sir.
Q How long have you known him? A Ever since we was young folks.
Q Did you know her before the war? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Dr. John Thornton.
Q Was he an Indian? A Yes, sir.
Q Cherokee Indian A Yes, sir.
Q Where was he living when the war commenced? A In Goingsnake.
Q How far was that from where you lived? A About 5 miles.
Q You know whether Rhoda had any children or not when the war commenced? A Yes, she she had two.
Q What were they, boys or girls? A Girls.
Q Where was Rhoda when the war commenced? A She was at home, when the war commenced.
Q Do you know what became of Rhoda Thornton during the war? A Yes, sir, she went to Ft Gibson after she left home where she lived.
Q When did you first see her after the war closed? A Why I saw her in Ft. Gibson in the summer of '66, last trip I made from Ft. Scott driving a Government team; that is the last place I saw her that was just before the war closed.
Q In the summer of '66? A Yes, sir.
Q Where did you next see her after that A Next place I saw her was up here on Big Creek.
Q When did you see her up on Big creek? A It was along in the winter of '67, I don't know exactly what time, but it was either ~~winter of '67~~ January or somewhere along in there; it was cold weather.
Q Of '67 A Yes, sir.
Q How long did she stay up there on Big Creek? A I don't know exactly, quite a while I suppose; I was traveling around among them, there once in a while, I didn't live there.
Q When did you next see her after that? A Every once in a while up until now I see her every once in a while all along every month or two; she was a widow woman and working about, and I didn't see her every time I swent in among the people; I didn't see her every time, but I have known her ever since that time, around about in the Nation, working about.
Q You know where she lives now? A Yes, sir.
Q You know how long she has lived there? A I don't remember exactly how long she has been living where she lives now, but it has been three or four years, I guess.
Q You know where she was living before she went to live at the place she now lives? A No, sir, I don't.

BY MR. HASTINGS: What was Dr. Thornton's wife's name? A Frankie Alberty before he married her.
Q She a sister of Jack Alberty's? A Yes, sir.
Q How far did Jadk Alberty live from there at that time?
A About seven miles, I think it was.
Q Did she have some more brothers over there, Mrs. Thornton?
A Yes, sir, had Neal and Jess.
Q I would like to ask you if Thornton had any other slaves?
A Yes, sir, he had several other slaves, several others, I couldn't tell their names unless I studied a while.

Q You don't know the names of them? A I know there's Butler Duffin, he was born a slave, and his mother and two girls and another brother named Josh; they are along in the country now, but I don't see them only once in a while like I have been seeing this woman.
Q How old were her children during the war when you saw them first? A Youngest about that high (indicating) and biggest about so)indicating); I don't know how old they were.
Q Which one was the older one? A Mary Ellen.
Q You have seen Mary Ellen and the other one ever since?
A Yes, sir, once in a while.
Q What were you doing at Ft. Gibson when you saw her there?
A I was driving a Government team; hauling provisions there.
Q Was hadn't closed? A No, sir .
Q That's the last time you saw her at Ft. Gibson? A Yes, sir.
Q And you were there directly after that? A Not directly after that, but I was there in '68 after that.
Q At whose place did you see this woman up there? A It was at Mike Whitmire's; they didn't have no house there, they was camped and workind trying to buil t a house.
Q Where is the first place you ever saw this woman keeping house up here? A Up here on Big Creek.
Q How long ago was that? A I don't know exactly how long ago that hs been, but the first place I saw herup on Big Creek was at this George Dugffin's; she was living George Duffin and his father.
Q How long did she stay there? A That was in '67 or '68; she had her children there and she was working out.
Q Where was she working? A I don't know where she was working.
Q You didn't see her at that time, you j u st saw her children?
A I didn't see her at that time, but I saw her a short time after that time, and see her children; I don't know where she was working.
Q When did you next see her? A At Duffi n's, she had been out working and come there where she left the children.
Q How many children did she have? A Two.
Q About how many years after that was was that? A About 2 years.
Q About how many years after the war did she commence keeping house up there? A I couldn't tell you that, I lost recollection of that.
Q She has been in Kansas hasn't she? A I don't know, I never did see her in Kansas.
Q You have missed her up here on the Big Creek neighborhood?
A I missed her every once ina while, but I didn't know where she was.
Q You don't know who she worked for? A No, sir.
Q And done'r remember where she lived? A No, sir. I know she stayed around amont the people there; she stayed some on Lightning, because we are all kin to her children.
Q You didn't testify for her before the Kern Clifton Commission did you? A No, sir, this is the first time.
Q You didn't tell about her ownership then? A No, sir, I don't know who did, I know very weel who held her as a slave, because I stayed there about four years myself while she was there; that's the reason I know it so well.
Q You lived with pr. Thornton A I was hired to him when I was a young lad.

Kern)Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 vensus roll of citizens of the Cherokee Nation examined and applicant not found.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 142, #2962, Rhoda Thornton, district given as "Colorado."

APPLICANT, RHODA THORNTON, re-called and further examined:
By Com8r Needles: You didn't draw Strip money? A No, sir.

COM'R NEEDLES: Rhoda Thornton applies for the enrollment of herself; she cannot be identifies upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton pay roll, but is fully identified upon the Wallace roll according to page and number of the roll as indicatedin the testimony; she avers that she was a slave, belonging to Dr. John Thornton, was in the Cherokee Nation during the war, and at Ft. Gibson in '66; she avers that since that time she has lived in the Cherokee Nation, that has been her home. For particulars as to her residence, reference is made to the testimony; the evidence is conslusivd to the effect that she is a slave, and was in the Cherokee Nation at the time prescribed by the time prescribed by the treaty of 1866; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; she will be notified by mail of the action of the Commission in the premises.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof
(Signed) M. D. Green.

Subscribed and sworn to before me this July 15, 1901.
(Signed) T. B. Needles
Commissioner.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

J. O. Rosson

Subscribed and sworn to before me this September 5th, 1901.

M. D. Green

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 20 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Mary Ellen Miller for enrollment as a Cherokee Freedman; said Miller being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Louis T. Brown, Agent for Applicant.
James S. Davenport, Cherokee Representative:

Q What is your name? A Mary Ellen Miller.
Q What is your age? A Well, I don't know my age exactly, I am about 44 I guess.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No, one.
Q Is your name on any of the rolls of the Cherokee Nation?
A No, sir; not that I know of.
Q Where were you born? A Born in the Cherokee Nation; I am a daughter or Rhoda Thornton that applied for enrollment Satuday.
Q Where were you born? A I was born in the Cherokee Nation.
Q Were you a slave? A Yes, sir.
Q What is your father's name? A Mike Whitmire.
Q What is your mother's name? A Rhoda Thornton.
Q Do you claim your citizenhip through Rhoda Thornton your mother?
A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John Miller.
Q Is he a citizen ? A No, sir.
Q Have you a y children? A No, sir.
Q What was your owner's name? A Dr. John Thornton.
Q You say you were born in the Cherokee Nation? A Yes, sir.
Q Have you lived there all your life, in the Cherokee Nati on?
A Yes, sir, except went out to work sometimes.

BY MR. BROWN:

Q Have you always lived with your mother? A Well, part of the time, and then most of the time I would stay with my father when I would be in the Territory, that is when my mother stayed in the Territory.
Q You lived in the Cherokee Nation all your life except when you would go out to Kansas during the war? A Yes, sir, and sometimes would go out to Kansas and work.
Q Do you know when you returned to the Cherokee Nation?
A No! sir.
Q Do you know whether you returned with your mother? A Yes, sir, I went with my mother.
Q Returned with her? A Yes, sir.

BY COM'R NEEDLES:

Q Where did you marry? A I married in the Cherokee Nati on, on Big Creek.
Q You say your husband is not a citizen?
A No, sir.
Q Have you ever had any children? A No, sir.
Q Well, you have kept house outside of the Cherokee Nati on have you? A ~~No~~, ~~sir~~ Not only with my mother, I wasn't married until I came here.
Q When were y ou married? A I was married in '94.
Q You lived with your mother until you were married in 1894?
A Yes, sir, with my father part of the time.
Q Where did your father live? A He lived on Big Creek in the Cherokee Nation.
Q Well, after you married in 1894 you went away with your husband didn't you? A No, sir; have lived here ever since on Pryors Creek.

BY MR. DAVENPORT:

Q Where have you lived from the time you can remember up to you were married in 1894? A I lived in the Territory.

Q How much of the time? A I can't tell you.
Q When you can first remember you were living in Scott Country, Kansas? A No, sir.
Q You have a brother Freddie? A Yes, sir.
Q Is he older than you? A No, sir, he is a great deal younger.
Q You were living up there when he was born? A No, sir.
Q Now, how much have you lived in Kansas all told?
A I can't tell you, sometimes I would go up there and work sometimes six months or may be a year.
Q You haven't lived there as much as your brother Fred?
A No, sir.
Q In the time of the Kern-Clinton enrollment he lived in Kansas?
A I don't know exactly how long he has lived there.
Q Have you lived in Kansas as long as your brother Fred?
A I don't know.
Q How long have you been living in the Cherokee Nation the last time since you came from Kansas? A I have been here about nine years.
Q How, how long did you live in Kansas prior to coming here nine years ago? A I was there pretty near two years and a half.

BY COM'R NEEDLES:

Q You have never been recognized by the Cherokee Authorities?
A I went before the Wallace Court and all my people drew but me and my name coult not be found.
Q Well, how about the Kern-Clifton? A We was put on the doubtful roll or rejected roll I don't know what.

The Tribal Rolls of the Cherokee Nation of Freedmen citizens examined and names of applicant not found thereon.

COM'R NEEDLES: Mary E. Miller applies for the enrollment of herself. She avers that she was married to one John Miller a non citizen. She was born a slave or one Dr. John Thornton. She avers that she is a daughter or Rhoda Thornton and claims her citizenship through her mother. Said Rhoda Thornton is listed for enrollment as a Cherokee Freedmen upon doubtful card #966, and the testimony taken in said case will be made part of the record in the case at bar and copy thereof filed herewith. Upon examination of the rolls her name cannot be found upon any of the rolls in the possession of this Commission. She will now be listed for enrollment as a Cherokee Freedmen upon a doubtful card. She will be notified of the result of the Commission when a decision is arrived at.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 17th day of July, 1901.

Commissioner.

Cherokee Freedman
D-967.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Mary E. Miller, as a Cherokee Freedman.

---: D E C I S I O N :---

The record in this case shows that Mary E. Miller appeared before this Commission at Nowata, Indian Territory, on July 1, 1901, and made application for enrollment as a Cherokee Freedman. A copy of the testimony taken in the case of Rhoda Thornton, Cherokee Freedman D-966, is filed herewith and made a part of the record herein.

The evidence shows that said Mary E. Miller was the slave of a Cherokee citizen at the commencement of the War of the Rebellion; that she was taken out of the Cherokee Nation during said rebellion but returned thereto with her mother, Rhoda Thornton, within the time specified in the decree of the Court of Claims rendered February 6, 1896, in the case of Moses Whitmire, Trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said nation. Rhoda Thornton appears as No. 3847 upon the lists prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior October 20, 1904.

It further appears that the applicant has been out of the Cherokee Nation at different times since her return thereto but that said absences from said nation were of a temporary character, and it does not appear that she removed with her effects and became a citizen of any other government.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D.2900-1903), Mary E. Miller should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAR 23 1905

F. D. 967.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Mary E. Miller for enrollment as Cherokee Freedmen:

Case No. F. D. 367

To Mary E. Miller or L. T. Brown, her Att.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on Oct. 15th 1901 at 2 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____ day of _____ 1901.

R. B. Bell

N. B. Hackney Jr.

J. S. Davenport

Attorneys for the Cherokee Nation.

le. F.D. 967.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of July 1st, 1901, in the matter of the application of Mary E. Miller for enrollment as a Cherokee Freedman.

Louis T. Brown
Agent for Applicant.

Cherokee Freedmen #D967.

COPY.

Cherokee Freedmen
D-967.

Muskogee, Indian Territory, November 29, 1904.

Mary E. Miller,

Nowata, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of November 12, relative to your enrollment as a Cherokee freedman. You inclose the Commission's letter to you of August 11, 1904, which is herewith returned.

In reply you are advised that the application for your enrollment was not included in the Commission's decision granting the applications for the enrollment of your mother Rhoda Thornton, and your sister, Charlotte Henry, but that a separate decision will be prepared in your case.

You are further advised that the Commission has not yet rendered a decision in the matter of the application for your enrollment as a Cherokee freedman, and that the matter will not be taken up in the near future. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Incl. S-80.

Commissioner in Charge.

(C O P Y)

Tahlequah, Indian Territory, January 31, 1905.

Commission to the Five Civilized Tribes,
(Cherokee Enrollment Division)
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary E. Miller as a Cherokee freedman, case D-967, I beg to say that an examination of the record show that this applicant is old enough to be upon all the rolls taken since the year 1866 and her name is not identified upon any one of them.

She claims through her mother, Rhoda Thornton, now living. She too is not identified upon any citizenship roll of the Cherokee Nation.

In addition to the foregoing, the applicant's testimony is contradictory and apparently unreliable in its character. Also the supporting testimony is, to a large extent at least, from those I believe to be among the most unreliable professional witnesses in the Cherokee nation.

Under these circumstances I cannot concur in the decision as at present prepared making a favorable finding upon the application of Mary E. Miller for enrollment as a Cherokee freedman. I suggest that the case be reexamined and recommend that her application be refused. If, however, this view does not meet with the

concurrence of the other Commissioners, I then desire my vote upon this case to be recorded in the negative and that it be forwarded to the Interior Department for its review and final adjudication.

Respectfully,

(Signed) C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office

MH

Enc. H-012

COPY.

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, March 23, 1905.

Charlotte Henry,

Nowata, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 26, 1905, relative to the enrollment of your sister, Mary E. Miller, as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered the parties concerned will be furnished with a copy.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, March 23, 1905.

Mary E. Miller,

Nowata, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting your application for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your attorney, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Incl. S-61.
Register.

COPY.

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, March 23, 1905.

Louis T. Brown,

Attorney for Mary E. Miller,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the application for the enrolment of Mary E. Miller as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-62.
Register.

COPY.

Cherokee Freedmen
D-967.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary E. Miller as a Cherokee freedman, including the Commission's decision dated March 23, 1905, granting said application, Commissioner C. R. Breckinridge dissenting.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Incl. S-64.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the application for the enrollment of Mary E. Miller as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-63.

Refer in reply
to the following:
Land.
22976-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Mary E. Miller.

March 23, 1905, the Commission decided favorably to the applicant, Commissioner Breckinridge filing a dissenting opinion.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and returned thereto with her mother, Rhoda Thornton, on or before February 11, 1867, and has continued to reside in said Nation.

On October 20, 1904 (I.T.D.7874-1904), the Department affirmed the decision of the Commission favorable to Rhoda Thornton.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.W.
W.

W.C.F.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.3616-1905. October 9, 1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Mary E. Miller for her enrollment as a Cherokee freedman, including the Commission's decision of march 23, 1905, favorable to the applicant. Commissioner Breckinridge dissents from the holding of the Commission.

Reporting April 7, 1905, the Indian Office recommended that the Commission's decision, favorable to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

E.A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Freedmen

COPY.

D-967.

Muskogee, Indian Territory, October 16, 1905.

Mary E. Miller,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting your application for enrollment as a Cherokee freedman, Commissioner C. F. Breckinridge dissenting, was affirmed by the Secretary of the Interior on October 3, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

SIGNED

Commissioner.

LS

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, October 16, 1905.

Louis T. Brown,

Attorney for Mary E. Miller,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 25, 1905, granting the application for the enrollment of Mary E. Miller as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on October 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-247

Commissioner.

Cherokee Freedmen

D-967.

Muskogee, Indian Territory, October 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 28, 1905, granting the application of Mary E. Miller for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on October 2, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-248

D 32961

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1 1910

Post Office Chelsea I. T.

District 600

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

7. Name of wife Mary E Foster Age [illegible]

Owner's name John Foster Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father Wade Ashtumis Citizenship .....

Mother [illegible] Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

May 1761

Represented in Town

MAR 21

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. [illegible] F. Miller,
Chelsea, I. T.
Cherokee F-D-937
Register.


CENTRAL

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Mrs. Mary E. Miller,

~~Chelsea,~~ Indian Territory.

Register to Mrs. Mary E. Miller,

Chelsea, I. T.

Cherokee F-D-967

Cher Fr 1486
Trans. from Cher Fr R15 and D1037

Cher Fr 1486

FILED
MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

-----o-----

In the matter of the application for enrollment as a Cherokee Freedman by
Susie Harrison, for herself, and for Hetty, Laura, Silvie, Lila, Phoenix, Coodie, Freeman, Nettie, Washington and Dewey Harrison.

Susie Harrison, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Susan Vann, I went by.

Q - What is your name now? A - Susie Harrison.

Q - How old are you?

A - I think I am about 37 or 38; I don't know how old I am; the Commissioners is the only one can tell me that.

Q - What was your name about twenty years ago?

A - Susan Vann.

Q - What was your post office address?

A - I did get letters here to Muscogee and I gets letters to Ridge since I married.

Q - Your post office address is Ridge?

A - I live about 19 or 20 miles southwest.

Q - How long have you been living here?

A - About 18 or 20 years.

Q - How long have you been living in the Indian Territory?

A - I have been living all my life in the Cherokee Nation. I came over here and married a citizen.

Q - Have you resided outside the Territory in the last three years? A - No, sir.

Q - Which district do you belong to? A - Coowescoowee.

Q - Is your name on the 1880 roll?

A - No, sir. I was called in and when they would come and enroll me they would say my name wasn't on the roll, and I didn't ask for my rights till I was married, and then I did because I knew I was a Cherokee.

Q - You were not enrolled in 1880?

A - Pellie Archie she told me to make out an affidavit and told me to take it before the Commissioners; that she knewed my mother and I had as much right as any colored freedman.

Q - Have you got that affidavit? A - Yes, sir.

Q - Were you a slave?

A - My mother was; I was a descendant.

Q - What was your father's name?

A - I don't know my father; never did know my father.

Q - Is he living or dead? A - He is dead.

Q - Was he a Cherokee Freedman? To which district did he belong?

A - I don't know, sir.

Q - Who was your father's owner? A - Polly Archie.

Q - What was your mother's name? A - Rose Archie; she went by the name of Rose Vann until she was married.

Q - Is she dead? A - Yes, sir.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - Who was your mother's owner?

A - Polly Archie. Old Joe Vann was her first master, and Polly Archie is Joe Vann's daughter.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband?

A - John Harrison.

Q - Is he a Cherokee? A - He is a Creek.

Q - Have you any children under 21 years of age?

A - No, sir, my oldest girl is 18, and I am the mother of ten children.

Q - You have lots of children under age? A - Yes, sir.

Q - Give us their names and ages?

A - Hettie is 18, Laura is 16, Silvie is 15, Ella is 13, Phoenix is 11, Coodie is 9, Freeman 7, Nettie 6, Washington 3, and Dewey 1.

Q - Do you know who Jesse Vann is? A - A first cousin of mine.

Q - Who is Synthia? A - First cousin too.

Q - Did they have a child named ~~Susan~~ Susan? A - I don't know, sir.

Q - Who is George Vann?

A - A first cousin of mine.

Q - Did he have a wife named Susan? A - Not that I know of.

Q - Got a wife, has he?

A - yes, sir, got a wife.

Q - What is her name?

A - She has got a curious name; I don't recollect what it is.

Q - Do you know what district George belongs to?

A - Same district I belong to, if he hasn't changed.

-----o-----

Susan, we are not able to identify you on the 1880 roll and your enrollment is refused for the reason that your name is not found on the authenticated roll of 1880.

-----o-----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that the foregoing transcript is a true, full and correct transcript of my stenographic notes.

Frank E. Ellis
Stenographer.

D JR 1037

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 6 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 6th, 1901.

Post Office Ridge, I. T.

District Cherokee Nation

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Doubtful

2. Name of wife Susie Harrison Age 36

Owner's name ~~Polly Archie~~ Citizenship Cher.

Year K. B. Page 145 No. 3603 District ~~Coo~~

Parents:

Father Harry dead Citizenship Cherokee

Mother Rose Archie dead Citizenship "

Names of Children:

		~~Year~~	~~Page~~	~~No.~~	~~Dist.~~
3.	Johnnie Harrison				2 mo
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by Susie Harrison Stenographer Chas. von Weier

On K. B. Roll as Susie Harris

Birth Certificate required

Department of the Interior
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. September, 6th 1901.

In the matter of the application of Susie Harrison for the enrollment of herself and one child as Cherokee freedmen; she being sworn by the Commission testified as follows:

Q What is your full name? A. Susie Harrison,
Q How old are you? A. About 36 I think, born after peace.
Q You make application for enrollment as a Cherokee freedman do you?
A Yes sir.
Q What is your postoffice address? A. Ridge.
Q Do you apply for the enrollment of anyone besides yourself? A. Just me and this baby here.
Q What is its name? A. Jhonnie.
Q John or Johnnie? A. Johnnie.
Q How old is it? A. 3 months past.
Q Who is the father of the child? A. John Harrison.
Q What is the name of your father? A. Harry.
Q Harry What? A. I dont know except Harry, he is dead, died when I was little.
Q What is your mother's name? A. Rose Archie.
Q Is she alive? A. She is dead.
Q Were your father and mother both Cherokee freedmen? A My mother was
Q Who did your mother belong to? A. Polly Archie.
Q Was Polly Archie a Cherokee Indian? A. Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Clifton roll
Q How long have you been living in the Cherokee Nation? A. Been living here all my life until I married
Q What is your husband's name? A. John Harrison.
Q When were you married to him? A. Been about 19 years this last gone May.
Q Are you living in the Cherokee Nation at the present ime? A. Yes sir when I had him.
Q Are you not living with him now? A. Yes sir.
Q You said a while ago that you had lived in the Cherokee Nation up to the time that you married? A. Yes sir and then I married him and he is a Creek and I had to live there with him.
Q Is he a Creek freedman? A. Yes sir.
Q How long did you stay with him in the Creek Nation? A. I staid with him a while and then went up to Catoosa and around and my husband is a Creek and he dont like the way they do in this Cherokee Nation and I has to live with him there in the Creek Nation.
Q Then you live there in the Creek Nation now? A. Yes sir.
Q And you have lived there for the past 19 years? A. Yes sir.

1896

Applicant cannot be found upon either the 1880, ~~1896~~ or ~~Kern-Clifton~~ rolls of the Cherokee Nation, upon examination of same.

Q Who were you living with when you drew the Kern-Clifton money? A. With my husband.
Q In the Creek Nation? A. Yes sir.
Q Did you ever have a child named Rose? A No sir that is not my child that is my niece.

Kern Clifton roll examined and the applicant found thereon at page 145 No 3603 as Susie Harrison, Coowescoowee district.

Applicant not found on the Wallace roll of the Cherokee Nation.

Q Did you draw Wallace money? A No sir I didn't draw it, they misplaced my name is some way or other.

BY W. W. HASTINGS, Cherokee representative:

Q When you were first old enough to realize anything, where were you?
A At Irvin Vann's at Fort Gibson, he is a cousin of mine.
Q Was your mother living then? A. No sir, died when I was a little girl.
Q And Irvin Vann brought you up ? A No sir, I staid there and at a w oman named Mary and staid around there and at Flat rook until I was grown or thought I was grown.
Q How old were you when you lived at Irvin Vann's? A I cant tll you exactly how old I was.
Q Ten years old? A. I cant tel you about that, I was born since peace, the year peace was declared they said.
Q You dont have any knowledge of your whereabouts when you were small of course? A No sir
Q Where were you married? A. At uncle Fred Martins.
Q Where? A At Flat Rock.
Q You were not married in the Creek Nation? A. No sir.
Q Up to the time you married had you ever worked or lived outside of the Cherokee Nation as far as you know? A. Yes sir I worked in the Creek Nation in Muskogee.
Q Before you married? A. No sir ,I only went up about in the Cherokee Nation and then I went and hired out in Muskogee a while and got stuck on a man there and married him.
Q Then you were living in Muskogee when you married? A. No sir not exactly lived there, just hired out there, I married down here.
Q Have you got any witnesses? A. Yes sir George Vann is a first cousin of mine but he is sick in bed and cant come now.

COMMISSION:

Q Did you ever apply for enrollment as a member of any other tribe or Nation except the Cherokee Nation? A. No sir.
Q Never applied as a Creek did you? A. No sir I am not a Creek.

COMMISSION:

Sallie Harrison applies for herself and one child as a Cherokee freedman; she is not identified on any of the rolls of the Cherokee Nation in the possession of he Commission except the Kern Clifton roll; she avers that she was a child of Rose Archie who was a slave of Pollie Archie a Cherokee Indian. For the further consideration of the Commission she will be listed for enrollment as a Cherokee freedman on a doubtful card; it will be necessary for her to file satisfactory proof of birth of her son Johnnie Harrison,whose names is not found on any of the ~~rolls~~ tribal rolls. When the final decision of the Commission is arrived at, she will be notified in writing at her present post office address.

* * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to he Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 7th of September, 1901.

Commissioner.

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 11 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEE FREEDMEN.

Date 7/11 1900.

Name Susie Harrison, age about 45.

District Coo. Ridge P.O. Year Page No.

Mother's citizenship Cherokee freedman Rose Archer

Married? yes, John Harrison Creek

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Nelly	Dist.	Year	Page	No.	Age 18
Laura	Dist.	Year	Page	No.	Age 16
Sylvia	Dist.	Year	Page	No.	Age 15 13
Ella (Ella) Phoenix	Dist.	Year	Page	No.	Age 11
Cordie	Dist.	Year	Page	No.	Age 9
Benjamin	Dist.	Year	Page	No.	Age 7
Nellie	Dist.	Year	Page	No.	Age 6
Washington	Dist.	Year	Page	No.	Age 5
Harvey	Dist.	Year	Page	No.	Age 1
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 12 1901

ACTING CHAIRMAN

C. F. D-1037.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Susie Harrison et al. for enrollment as Cherokee Freedmen.

Supplementary testimony on part of the applicants.

Appearances:

Applicant present in person.
W. W. Hastings, of counsel for Cherokee Nation.

JERRY ALBERTY, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Jerry Alberty.
Q How old are you? A I am about 68 or '9.
Q What is your postoffice address? A Wagoner.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you acquainted with Susie Harrison, the applicant? A Yes sir; well I am not acquainted with her, I knew her when she was a little girl.
Q How long have you known her? A I seed her when she was a little girl, I haven't seed her before until now.
Q When you first saw her, about how old was she at that time?
A Just a little girl, I don't know how old.
Q When was the next time? A Seen her here.
Q Do you know this is the same person you saw when she was a child?
A She says she is.
Q Do you know what her mother's name was? A Rose Archer.
Q You know what her father's name was? A No sir.
Q Was her mother a Cherokee slave? A Yes, sir, I knew her mother well.
Q Do you know to whom her mother belonged? A Yes, sir.
Q How long did you know her mother? A Oh I knew her ever since she was a little girl.
Q Do you know to whom her mother belonged? A Yes, sir.
Q What was her owner's name? A Polly Archer.
Q Polly Archer a Cherokee? A Yes, sir.
Q Did Rose Archer leave the Cherokee Nation at the outbreak of the war between the United States and the Confederacy? A Yes sir.
Q Where did she go? A I can't tell you where she went.
Q She lived in the Cherokee Nation? A I guess so, I lived right by them up here.
Q Do you know when she returned to the Cherokee Nation after the war? A Well I seen the irl that they told me was Rose Archer's girl --
Q Do you know when Rose Archer came back? A I think she came back time of the war, they said the mother of the child was dead.
Q You dont know of your own knowledge whether she ever did return to the Cherokee Nation or not? A No, sir; I don't know whether she ever went out or not.
Q Where was this Rose Archer living when you first learned to know her? A Living right with Polly Archer up there.
Q In the Cherokee Nation? A Yes, sir.
Q In what district? A In the Saline district.
Q How old was this applicant when you first knew her? A I can't tell tell you, just after the war she was a little girl.
Q Living with some of her relations? A Yes, sir, at Fort Gibson.

Mr. Hastings: About how old would you say she was, at that time, when you first saw her? A I guess she must have been three or four, four or five years old, I never paid much attention to her.
Q She was born after the war, wasn't she? A Must have been bor time of the war, in time of the war.

Q About how long after the war was it you saw her?, A Oh just a little while after the war, about the first year after the war I guess, I was living at the Falls down there; it was in '66.
Q And this woman was three or four years old? A Yes, I don't suppose she was older than that.
Q Who was she living with? A Living with Ervin Vann.
Q Her mother wasn't there? A No, sir, and they told me she was Rose Archer's girl.
Q That is the first time you ever saw her, this woman? A No, I seen her then, and this is the first time I have seen her since that time.
Q You saw her when she was three or four years old and the next time is when she was here, now? A Yes, sir.
Q And she says she is the same woman? A Well, I have seen her before, she has been up to her uncle's, Fred Markham was her uncle, I have seen her there, she was a good big girl then, he was her uncle, a brother-in-law of mine.
Q You know where she is living now? A No, sir.
Commission: How long after the war was it before you saw this girl, this woman? A Oh it, that was in '66 I worked at Webbers Falls.
Q What time in '66, spring, summer or winter? A It was along in the summer.

Applicant, SUSIE HARRISON, appearing before the Commission and being duly sworn and examined, testified as follows:
Commission: Were you an applicant before this Commission on the 11th day of May, 1900, for enrollment as a Cherokee Freedman? A When they first opened up, yes sir; didn't have no witnesses down there though.
Q You at that time applied for the enrollment of yourself and foe Hettie, Laura, Sylvie, Ella, Phoenix, Coody, Freeman, Nettie, Washington and Dewey Harrison, did you? A Yes, sir.
Q Your application was denied for the reason that you are not identified upon the roll of 1880, was it? A Yes, sir.
Q You now apply for the enrollment of yourself and your son, Johnny Harrison? A Yes, sir.
Q Why do you not apply for these other children I have just mentioned? A Their father said the way they do was to go ahead and throw you off, and he didn't want his children to be throwed out, and he would take his children himself.
Q Who is the father of these children? A John Harrison.
Q Is John Harrison a citizen of any other nation or tribe? A No sir he,is a citizen of the Creek Nation, an old citizen.
Q Is he enrolled as a citizen of the Creek Nation? A Yes sir.
Q Are all these children enrolled as Creek citizen? A Yes sir.
Q Did you ever apply for enrollment as a citizen of the Creek Nation? A No, sir, never did, because I am not a Creek and lots of them over there knows I am not a Creek, I am a Cherokee, my mother.
Q You elect then to have these children, with the exception of Johnny, enrolled as Creek Freedmen, do you? A Yes, sir.

Commission: It appears from the records of the Commission that the said Susie Harrison was an applicant before the Commission at Muskogee on the 11th day of May, 1900, and that her name was placed upon arejected card, No. 15. Said card will be cancelled and the papers filed therewith will be made a part of the application heardon the 6th day of September, 1901, at Fort Gibson.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of September, 1901.

M. D. Green
Notary Public.

Supl.C.F.-D.#1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Susie Harrison, et al., for enrollment as Cherokee Freedmen, introduced on part of the applicants:

APPEARANCES:
Applicant present in person.
Mr. Davenport, of Counsel for Cherokee Nation.

GEORGE VANN, being duly sworn and examined by Commissioner Needles, testified as follows on part of applicants:

Q What is y our name? A George Vann.
Q What is your age? A 52.
Q What is your post office address? A Lenapah.
Q Do you know Susie Harrison? A Yes, sir.
Q How long have you known her? A I have knowed her ever since the war, I knowed her mother before the war.
Q Was she a slave? A I don't know, I didn't see her when she was a slave.
Q Was her mother a slave? A Yes, sir.
Q Who did her mother belong to?? A Mrs. Archer.
Q Was Mrs. Archer a Cherokee citizen? A Yes, sir.
Q Well, when was the first time you knew Susie and what year?
A About '67 was the first time I saw her.
Q Do you know where she had been before that? A She was raised in the Creek Nation, I guess; that is from Gibson.
Q Raised in the Creek Nation? A That is she lived in there, I saw her at Gibson.
Q In '67? A '67.
Q You don't know where she was during the war? A No, sir, I don't.
Q Don't know whether she was out of the Cherokee Nation or not?
A No, sir
Q All you know about it then is she is the daughterof-?
A Rosa Archer.
Q And that Rosa Archer belonged to-? A Mrs. Polly Archer.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized ribes he correctly recorded the testimony and proceedings in t his case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rosson.

Subscribed and sworn to before me this October 31st, 1901.

Commissioner.

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FILED
JUL 1904
COMMISSION OF THE FIVE TRIBES.

Cherokee Freedmen
D 1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUSIE HARRISON, ET AL., as Cherokee freedmen.

It appears that on May 10, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

SUSIE HARRISON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Susie Harrison.
Q How old are you? A I don't know exactly; said I was born first year peace was declared, I don't know.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q What is your postoffice address? A Ridge.
Q That is in the Creek Nation? A Yes, sir.
Q What was the name of your mother? A Rose Archie.
Q What was the name of your father? A I don't know him at al.
Q Your motherwas a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Polly [illegible] Archie.
Q Since your recollection where did your mother live up to the time of her death? A She died right there at Gibson.
Q Where did she live up to that time since you can remember? A At Gibson.
Q She died there? A Yes, sir.
Q Since your recollection where have you lived? A In the Creek Nation and Cherokee Nation.
Q How long have you lived in the Creek Nation? A Been living here about 16 years, on and off; sometimes I would get mad at my old man and go back to my people, is the way I have been living to tell you the facts about it.

By Mr. Hastings:
Q You were born the year peace was declared? A Yes, sir.
Q You don't know of your own knowledge anything about what happened before the war? A I don't know anything about that.

GEORGE VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George Vann.
Q Captain George Vann? A Yes, sir, Horse Creek fight Vann.
Q How old are you? A Going on 53.
Q What is your postoffice? A Lenapah.

Q You are claiming to be a Cherokee freedman? A Yes, sir, that is what I claim.
Q Do you know the applicant in this case, Susie Harrison? A Yes, sir, I knew her mother.
Q What was her mother's name? A Rose Archie, belonged to Miss Polly Archie.
Q Polly Archie was a Cherokee citizen? A Yes, sir.
Q Did Rose Archie go out of the Cherokee Nation during the war? A Not as I know of.
Q Do you know? A No, sir, I don't.
Q When did you first get acquainted with Rose Archie? A We were raised together.
Q You didn't know her when the war come up? A When the war come up most of the people left that neighborhood, but a few of us; we were the last; Miss Archie still stayed there.
Q This applicant's mother, was she still there when you left? A No, sir, she left before we did.
Q You don't know where she went? A No, sir; I saw her in Fort Gibson after we come back; this child was a little girl, and I think she died in 1867.
Q Whendid you first see the applicant's mother in the Cherokee Nation after the war? A In September or October, I forget; when we come down to Fort Gibson she was there.
Q September or October of what year? A '66, when we come down.
Q Was she living there at that time? A She was staying there; I don't know whether she had a house.
Q You say the applicant was a small child then? A Yes, sir. Her mother died soon afterwards.
Q At Fort Gibson? A Yes, sir.
Q And she lived there from September or October, 1866, until her death? A Yes, right there till her death.
Q When she died what became of this applicant? A I wasn't, I seen her a time or two afterwards, off and on, but I don't know who raised her.
Q Don't you know anything of your own knowledge as to the residence of this woman Susie Harrison since the death of her mother? A I have knowed her to live a Gibson and in the Creek Nation.
Q You have seen her off and on in the Creek and Cherokee Nation? A Yes, sir.

By Mr. Hastings:
Q Your name is George W. Vann? A Yes, sir, George West Vann.
Q Your age is what? A 53, going on 54.
Q What is your postoffice address? A Lenapah.
Q Do you know Susie Harrison? A Yes, sir.
Q How long have you known her? A Ever since she was a baby.
Q Was she a slave? A No, sir.
Q Born after the war? A Yes, sir.
Q Was her mother a slave? A Yes, sir.
Q To whom did her mother belong? A Polly Archie.
Q Was Mrs. Archie a Cherokee citizen? A Yes, sir.
Q When was the first time you knew Susie Harrison? A After the war
Q Yes, when did you know her first? A After the war she was just a baby; I knowed her when her mother had her in her arms.
Q Was that the first time you saw her mother after the war? A Yes, sir.
Q She had this applicant, Susie, when you first saw her? A Yes, sir.
Q What time was that? A In October, '66.
Q You are positive about that? A Yes, you see the reason I am positive, when we come down it was the last of September, and we got there and buried our men and stayed around there, and a whole lot of us come down to Gibson about October.

Q You don't know where her mother was during the war? A No, sir.
Q Do you know whether she was in the Cherokee Nation or not?
A No, sir; don't know whether she was in the Cherokee or Chickasaw.
Q All you know is that this girl was the daughter of Rose Archie?
A Yes, sir.
Q And Rose Archie belonged to Polly Archie? A Yes.
Q Now George, did you on October 23, 1901, at Vinita, Indian Territory, before this Commission, give testimony in this case? A I think I did.
Q Do you know that I have asked you every single, solitary, identical question that was asked you at that time, with a few additional?
Q Well, I stated just what I knowed about it.
Q Did you make that same statement in answer to this same question at that time? A I don't know, I think I did.
Q Do you know in what particulars you have made different statements, if you have made them? A No, I don't.
Q Then you made the same statements in answer the these same questions before the Commission at Vinita, Indian Territory, on October 23, 1901, that you have here to-day? A Did I know I made it?
Q You made the same answers, did you? A I meant to make the same answers that I made then.
Q You knew as much about it then as you do now? A I am just like, I practiced up on these things, and I found out more particulars than I did at that time.
Q What more particulars have you found out with reference to this woman? A I tell it just like I know.
Q You had no occasion to find out more about this woman; you hadn't thought any more of it, had you? A When I thought about it I know just what I knowed then.
Q You have already stated that you made the same answers to these questions? A If I made any different questions I don't know it.
Q You have got no new light upon these answers, because you answered then as you have here to-day, according to your statement?
A I just naturally told the truth about it.
Q On October 23, 1901? A As near the truth as I knowed how.
Q You were sworn to tell the truth? A Yes, sir.
Q I am asking you about your testimony, you told the truth then?
A I aimed to then and now, too.
Q I am asking you if you told it then; you had sorter forgotten that you testified before hadn't you? A I didn't think I testified in it at all.
Q If you had thought you had testified before you wouldn't have taken the stand this time would you? A If I taken the stand this time and it don't do any good, she could get somebody else.
Q You had forgotten that you testified before, hadn't you? A Yes, sir, but I am testifying the truth.

By the Commission:
Q When you appeared before the Commission on October 23, 1901, and testified in the case of Susie Garrison, you were asked, "When was the first time you knew Susie, and what year?" You answered, "About '67 was the first time I saw her." A As I told Mr. Hastings, I had a chance to reckon back and that is the reason.
Q You want to explain, after thinking the case over, that you remember of seeing her before that? A Yes, sir that is it; after I had a chance to reckon back I remember seeing her with her mother.

By Mr. Hastings:
Q I have asked you every single, solitary question that was asked you on October 23, 1901; you said also that you had forgotten that you had ever testified in this case? A Yes, sir.

Q But I asked you on cross-examination if you had testified?
A That's right.
Q You have been a standing witness in these cases, haven't you?
A No, sir.
Q You have followed the Commission from place to place at every sitting? A Yes, sir, I know the people.
Q You have been here nearly every time there has been a hearing in Freedmen cases? A Yes, sir.
Q You had forgoteen this morning that you had testified in this case and didn't have a chance to refresh your memory by reading over the testimony, had you? A No, sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 2d day of July, 1904.

Charles H Sawyer

Notary Public.

A. Emo

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hettie Harrison et al., as Cherokee Freedmen, consolidating the applications of--

Hettie Harrison et al., Cherokee Freedmen R-15
Susie Harrison et al., Cherokee Freedmen D-1057.

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--:--

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Susie Harrison for her minor children, Hettie, Laura, Silvie, Ella, Phoenix, Coodie, Freeman, Nettie, Washington and Dewey Harrison; and by Susie Harrison for herself and her minor child, Johnnie Harrison.

From the records of this Commission it appears that the said Hettie Harrison (under the name of Hattie Howe), Laura, Sylvia, (Silvie), Ella, Phoenix, Cudie (Coodie) Nettie, Washington and Dewey Harrison are included in the partial roll of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, Numbers 4991, 1849, 1850, 1851, 1852, 1853, 1854, 1855 and 1856, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides:

> "No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

The evidence herein shows that Susie Harrison was born since the commencement of the war of the rebellion, and is the daughter of one Rose Archie, who was the slave of a Cherokee citizen at the commencement of said war. It further appears that the said Rose Archie and her daughter, Susie Archie, now Harrison, were residing in the Cherokee Nation in October, 1866, and that the said Susie Archie, now Harrison, has since continuously resided within the domain of the Five Civilized Tribes. The minor applicants, Freeman and Johnnie Harrison, are the children of the said Susie Harrison and have resided with their mother since birth.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hettie Harrison (identified on the Creek Freedmen roll as Hattie Rowe), Laura Harrison, Silvie Harrison, Ella Harrison, Phoenix Harrison, Coodie Harrison, Nettie Harrison, Washington Harrison and Dewey Harrison, as Cherokee Freedmen should be denied under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716); and that Susie Harrison, Freeman Harrison and Johnnie Harrison, should be enrolled as Cherokee Freedmen in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUN 30 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

L & E

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.
ALLISON L. AYLESWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., June 4, 1900

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900

Yours truly,

Acting Chairman.

Chero. L.

Cherokee Freedmen
D-1037.

Muskogee, Indian Territory, October 17, 1903.

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to the residence of your mother in the Cherokee Nation.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

J.J.B.

Cr. F. 484 & 1595

(C O P Y)

Muskogee, Indian Territory, February 27, 1904,

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of February 25, in which it is stated that in the matter of the application for the enrollment of Hetty, Laura, Sylvia, Ella, Phoenix, Goodie, Freeman, Nettie, Washington and Dewey Harrison as Cherokee Freedmen, the records of the Cherokee Division show that these applicants are also listed for enrollment upon Creek Freedman cards Nos. 1640 and 484. It is requested that the Cherokee Division be advised as to the present status of these applicants as Creek Freedmen, and if their names have been placed upon the final rolls of the Creek Nation as citizens of said Nation, that their numbers be given, together with the date of the Departments approval of said roll.

In reply you are advised that Mattie Howe, aged 17 years in 1901, daughter of Milly Harrison, deceased, and Susie Harrison a citizen of the Cherokee Nation, is listed for enrollment on Creek Freedman Card field No. 1640, and that her name is contained in a list of Creek Freedmen approved by the Secretary of the Interior

December 1, 1903, No. 4991.

You are further advised that Laura, Sylvia, Ella, Phoenix, Cudie, Nettie, Washington and Dewey Harrison are listed for enrollment on Creek Freedman Card Field No. 4 4, and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Nos. 1849 to 1856, inclusive .

It does not appear that application has ever been made to the Creek Enrollment Division for the enrollment of Freedman Harrison as a citizen of the Creek Nation.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

Cherokee Freedmen
D-1037.

Muskogee, Indian Territory, May 10, 1904.

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of your mother.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen
D-1037.

Muskogee, Indian Territory, May 10, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Susie Harrison for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of the mother of said Susie Harrison.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee Freedmen
D-1037.

Muskogee, Indian Territory, May 21, 1904.

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor child, Johnnie Harrison, as Cherokee freedmen, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion og the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-15, D-1037.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Hettie Harrison, et al., and granting the application for the enrollment of Susie Harrison, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-22 (SIGNED) Tams Bixby Chairman.

Freedman R-15.
Freedman D-1037.

Muskogee, Indian Territory, July 20, 1905.

COPY.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that there has this day been forwarded to the Secretary of the Interior the record of proceedings had in the matter of the application for the enrollment of Hettie Harrison, et al., as Cherokee Freedmen, together with the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Hettie, Laura, Silvie, Ella, Phoenix, Coodie, Nettie, Washington and Dewey Harrison, and granting the application for the enrollment, as Cherokee Freedmen, of Freeman Harrison and Susie and Johnnie Harrison.

You have heretofore been furnished with a copy of the decision of the Commission to the Five Civilized Tribes in this case. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Commissioner.

Freedman-R-15.
Freedman-D-1037. COPY.

Muskogee, Indian Territory, July 20, 1905.

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting, among others, the application for the enrollment of yourself and child, Johnnie Harrison, as Cherokee Freedmen.

The decision, with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Encl. C-8.

Freedman-R-15.
Freedman-D-1037.

COPY.

Muskogee, Indian Territory, July 20, 1905.

Hettie Harrison,

Ridge, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, denying, among others, the application for the enrollment of yourself and children, Laura, Silvie, Ella, Phoenix, Coodie, Nettie, Washington and Dewey Harrison, and granting, among others, the application for the enrollment of your child, Freeman Harrison.

The decision, with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Commissioner.

Encl. C-7.

Freedman-R-1.
Freedman-D-1037.

Muskogee, Indian Territory, July 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Hettie Harrison, as a Cherokee freedman, together with the decision of the Commission to the Five Civilized Tribes, dated June 26, 1905, rejecting the application for the enrollment of Hettie, Lucy, Sylvia, Ella, Phoenix, Cooday, Nettie, Washington and Bessy Harrison, and granting the application for the enrollment of Sadie, Freeman and Dolphin Harrison.

Very respectfully,

Commissioner.

Encl. C-6.

Through the

Commissioner of Indian Affairs.

Land.
57381-1905.

DEPARTMENT OF THE INTRRIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 19, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Susie Harrison for her minor children, Nettie, Laura, Sylvie, Ella, Phoenix, Coodie, Freeman, Wettie, Washington and Dewey Harrison; and by Susie Harrison for herself and her minor child, Johnnie Harrison.

June 30, 1905, the Commission decided favorably to Susie, Freeman and Johnnie Harrison and adversely to all the others.

The record shows that Nettie Harrison (under the name of Hattie Rowe) Laura, Sylvia, Ella, Phoenix, Cudie, Nettie, Washington and Dewey Harrison are included in a partial roll of Creek Freedmen approved by the Department March 13, 1902, at Nos. 4991, 1849, 1850, 1851, 1853, 1853, 1854, 1855 and 1856 respectively.

The record further shows that Susie Harrison was born since the beginning of the war of the rebellion, and is the daughter of one Rose Archie who was the slave of a Cherokee

citizen at the beginning of the war of the rebellion. It further appears that Rose Archie and her daughter, Susie Archie, now Harrison, were residing in the Cherokee Nation in October 1866, and that Susie Archie, now Harrison, has since continuously resided in the Indian Territory. The minor applicants, Freeman and Johnnie Harrison are the children of Susie Harrison and have resided with their mother since birth.

In view of the record the approval of the Commission's decision favorable to Susie, Freeman and Johnnie Harrison and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.W.M.
W.

W.C.P.
LLB
Y.P.

D. C. 48145-1905.
I.T.D. 9850-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 13, 1905.

Commissioner to the Five Civilized Tribes,

Muskog ee, Indian Territory.

Sir:

On July 20, 1905, you transmitted the record in the Cherokee freedman enrollment case of Hettie Harrison, et al., including the decision of the Commission to the Five Civilized Tribes of June 30, 1905, holding that the applicants Hettie Harrison, Laura Harrison, Silvie Harrison, Ella Harrison, Phoenix Harrison, Coodie Harrison, Nettie Harrison, Washington Harrison, and Dewey Harrison are not entitled to enrollment as Cherokee freedmen, and that Susie Harrison, Freeman Harrison, and Johnnie Harrison should be enrolled as Cherokee freedmen.

Reporting August 3, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision holding that Susie Harrison, Freeman Harrison, and Johnnie Harrison should be enrolled as Cherokee freedmen, and that all the other applicants herein should be rejected is hereby affirmed.

Respectfully,
(Signed) E. A. Hitchcock,
Secretary.

1 inclosure.

Cherokee Freedman 1486

Susie Harrison

Freeman "

Johnnie "

For original record as to Freeman Harrison, See Cherokee Fr. R-15

Cher Fr 1487
Trans. from Cher Fr D322

Cher Fr 1487

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 16th 1901.

In the matter of the application of Steve Vann for the enrollment of himself, wife and eight children as Cherokee Freedmen; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Steve Vann.
Q Who do you want to have enrolled? A. Myself, wife and eight children.
Q How old are you? A. About 42.
Q What is your post office? A. Welch.
Q In what dsitrict do you live? A. I live in Delaware district, now.
Q How long have you lived in the Cherokee Nation? A. Went south at the breaking out of the war and come back in '66 and have lived here ever since.
Q You have lived here all your life then except during the war? A. Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A. Yes sir.
Q What is your father's name? A. Tobe Vann.
Q Is he alive? A. No sir he died in war times.
Q Give me the name of your mother? A. Charlotte.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. 8 or 9 years.
Q Give me your wife's name? A. Mary Vann.
Q How old is she? A. 42.
Q When did you and she marry? A I cannot tell you.
Have you been married more than 20 years? A. No sir I dont think it has been that long.
Q Have you a child over 21 years of age? A. Yes sir.
Q Were you married before that child was born? A. Yes sir.
Q You have been married then about 22 or 3 years at least? A Yes sir, I guess so.
Q Does your wife claim to be a Cherokee Freedman of her own right? A Yes sir.
Q Give me the name of your wife's father? A. Bill Buffington.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. I cannot tell you, I never seen him to know him.
Q Give me the name of your wife's mother? A Mary Stover.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. About 7 or 8 years
Q This is a list of your children is it? A. Yes sir.
Q The oldest child for whom you make application is named Fred, 18 years old, is that right? A. Yes sir.
Q The next child is Ellen? ~~xxxxxxxxx~~.18 years old? A Yes sir.
Q The next child is Birt, 15 years old? A Yes sir
Q The next child is Walter? 13 years old? A Yes sir.
Q The next chil is Fredonia, 11 years old? A Yes sir.
Q What do you call that other child? A. Elia.
Q Is it a boy or a girl? A A Girl.
Q She is 10 years old? A Yes sir.
Q Then comes Harry? A Yes sir.
Q He is 9 years old? A Yes sir.
Q Then the next living child is Dewey? A. Yes sir.
Q he is three years old? A. Yes sir.
Q Are these children all living now? A. Yes sir.
Q What district were you living in in 1880? A Cooweescoowee district.
Q Have you any brothers or sisters? A. I have one brother living.
Q What is his name? A Gilbert Vann.
Q Is he older than you? A Yes sir.

The authenticated roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 192, No. 3030, Stephen Vann, Cooweescoowee district.

Q How was your wife's mother named? Stover, back 20 years ago? A. I reckon so I cant tell you.
Q Where did your wife live at the time you married her? A. In Coo-weescoowee.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's wife not found thereon.

The 1896 census roll of the Cherokee Nation examined and the applicant's wife and his children not found thereon.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 12, No. 301, Stephen Vann, Cooweescoowee district.
Page 12, No. 303, Ella Vann, "
Page 12, No. 305, Bertie Vann, "
Page 12, No. 306, Walter Vann, "
Page 12, No. 304, Fredonia Vann, Cooweescoowee district
NOTE: Freddie on Wallace roll.
Page 12, No. 307, Eli Vann, Cooweescoowee district.

The Wallace roll of the Cherokee Nation examined and the names of the applicants found as follows:
Page 17 No. 360, Stephen Vann, Cooweescoowee district.
Page 17 No. 362, Freddie Vann, Cooweescoowee district.

The name of the applicant's wife not found on the Kerns-Clifton roll or the Wallace roll.

Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A. Yes sir.
Q How many times was she married before she married you? A. Once after we was married.
Q Were you and she parted? A. Yes sir.
Q And she married some one else while you were parted? AYes sir, and then we lived together again.
Q Did she get a divorce from you when you parted the first time?
A No sir.
Q Was she married to that other man by a preacher? A. I dont know.
Q Are any of these children the children of that second marriage that your wife contracted while she and you were parted? A. No sir
Q Her first marriage to you was the first marriage she ever made?
A Yes sir.
Q Who was it she married while she and you were living apart? A. I dont know, some fellow, I think it was Bob Wallace.
Q Was he a State man or a Cherokee Freedman? A. I dont know, sir, I guess he was a citizen of the Creek Nation, he lived at Muskogee.
Q And then they parted? A. I suppose so.
Q Did your wife ever get a divorce from him? A. No sir, not as I know of.
Q You know that she never got any divorce from you? A. I know that
Q Did a preacher marry you and your wife? A. Yes sir.
Q Who was it? A. Jess Roe.
Q Where were you and she married? A. On Big Creek.
Q Was your wife married to this man you speak of, by a preacher?
A I dont know nothing about it.
Q Did they live together as husband and wife? A. That is what they say, I dont know nothing about it, she was at Muskogee and I was up here.
Q But you have charge of this child Harry and this child is said to be a child of that marriage? A Yes sir.
Q There is also one of that marriage that is dead? A. Yes sir.

KATIE ADAMS, called and sworn by Commissioner, C. R. Breckinridge, as a witness on the part of the applicant, testified as follows:

Q What is your name? A. Katie Adams.
Q How old are you? A. I am 36.
Q What is your post office? A. Welch, I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q You have been here ever since you can remember have you? A. Yes sir.
Q Do you know this applicant, Steve Vann? A Yessir.
Q What kin is he to you? A. My brother.
Q He is married is he? A. Yes sir.
Q What is the name of his wife? A. Mary.
Q What was her name when he married her? A. Stover.
Q Her own father's name was Buffington, was it not? A I dont know.
Q Did you know her mother? A. Yes sir.
Q What was her mother's name? A. Mary Stover too.
Q Was your brother ever married except to this wife? A. No sir.
Q They have grown up children and a good many of them? A Yes sir.
Q Was your brother's wife ever married except to him? A I dont know about that.
Q Was she ever married before she married him? A. Not as I know of.
Q They had a falling out and parted for some years did they? A. Yes sir.
Q And then she went off and married when they were parted? A. I suppose so.
Q That is your understanding? A Yes sir.
Q They are living together now as husband and wife? A Yes sir.
Q How many children have they now in their charge, that are the children of that marriage that your brother's wife is said to have contracted while they were parted? A There is Jimmie, Fred, and Ellen and Fredone, Eli, Walter and Dewey and Birt.
Q These are your brothers children by this woman? A. Yes sir I know they are for I nursed them all.
Q The child Harry is said to be her child when she married that other man? A I suppose so.
Q These other children that you have named are all recognized as your brother's children by that wife? A. Yes sir.

By Com'r Breckinridge,-

The applicant applies for the enrollment of himself, his wife and eight children. The applicant is identified on the roll of 1880, and on the Wallace and Kerns-Clifton rolls as a Cherokee Freedman; he states that he has lived in the Cherokee Nation all his life, except a brief period at the time of the war and he will now be listed for enrollment as a Cherokee Freedman. His wife is not identified on any roll, though the applicant states that she claims to be a Cherokee Freedman through her own right; she is shown to have married the applicant some 23 years ago, and neither he nor she was ~~previously~~ married previous to that marriage. She lived with her husband many years when they parted but no divorce was secured. They have since resumed living together as husband and wife, but during the period of their separation the applicant's wife is said to have contracted another marriage, which will be further referred to in connection with the two younger children of those whose names have been applied for in this case. No divorce was obtained from the applicant prior to the second marriage and no divorce was obtained from the second husband prior to the resumption of the marriage relations between the applicant and his wife. She will be listed for enrollment as a Cherokee Freedman on a doubtful card to await any

proof that she may be able to furnish in regard to her right to enrollment apart from her marriage and for the further consideration of her status as now presented as a Cherokee Freedman by inter-marriage. Of the eight children applied for, the first six, Fred, Ellen, Birt, Walter, Fredonia, and Elia, are children of the applicant and his wife, born prior to their separation and consequently prior to her second and subsequent marriage. These children are all living now; the first child is identified on the Wallace roll and seems to have been confused with the name of the next to the oldest child just named, at the time of the making of the Kerns-Clifton roll, and said first child is not upon the Kerns-Clifton roll. The remaining five of these six children just mentioned are identified on the Kerns-Clifton roll, and all of these six children, being alive, and being considered the lawful children of the applicant, will now be listed for enrollment as Cherokee Freedmen. The child Harry Vann, is shown to be a child of the applicant's wife by her second and subsequent marriage; this child is not upon any roll; when the Commission is supplied with a certificate of birth as to this child Harry Vann, it will be listed for enrollment on a doubtful card as a Cherokee Freedman, to await evidence of the mother's right to enrollment independently of her marriage to the applicant. The child Dewey, is too young to be upon any roll; this is a child of the applicant and his wife, born since her second marriage and after their resumption of marriage relations. When the Commission is supplied with a certificate of the birth of this child, it will be listed for enrollment as a Cherokee Freedman upon a doubtful card to await the consideration of its rights arising from what it may be shown to be its mother's rights independently of this marriage, and in default of any right of that character being established, to await the further consideration of this child's right in the light of the separation and resumption of marriage relations set forth in this decission. The final decission of the Commission in these doubtful cases will be made known to the applicant at his post office address when it is arrived at by the Commission.

" " " " " " " " " " " " "

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 22d of May, 1901, at Vinita, I. T.

Tams Bixby

Commissioner.

B F.A 322

Fr. 1487

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 16 1901

Post Office Welch I. T.

District Delaware

1. Name

Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1/2. Name of wife Mary Vann. Age 42.

Citizenship

Owner's name

Year Page No. District

Parents:

Father Bell Bunch Vann Citizenship Cher.

Mother Mary Bird Citizenship "

Names of Children:

2 Harry Vann. Year Page No. Dist. 9 Y.

3 Benj. " Year Page No. Dist. 3 "

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Nos. 1 2 and 3 Proof in affidavit to be supplied.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 1901

ACTING CHAIRMAN

Supplemental D-522.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Mary Wann for enrollment as a Cherokee freedman.

Supplemental testimony.

Mary Wann, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Mary Wann.
Q How old are you? A 42.
Q What is your post office? A Vaugan Smith: that is in Welch just the same.
Q In what district do you live? A I don't know, I live on the east side of the railroad.
Q Delaware district you think? A Yes, sir, I guess it is.
Q You are married are you? A Yes, sir.
Q Give me the name of your husband? A Steve Wann.
Q Application was made for you yesterday, it was not, by your husband? A Yes, sir.
Q Have you a child named Nancy? A Yes, sir.
Q And then a younger child? A Yes, sir.
Q What is the name of that child? A Dewey.
Commissioner: Her case is therefore already D-522, the case being the application made for herself and these two children.
Q Give me the name of your father? A Bill Duffington.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know just what the date is, I think it has been seven or eight years.
Q Give me the name of your mother? A Mary Lindsey.
Q She went by her husband's name when she died.
Q Is she dead? A Yes, sir.
Q What was her name when she died? A How many times was I going to say Lindsey.
Q Had been Mary Duffington? A Yes, sir.
Q She was Mary Lindsey when she died? A Yes, sir.
Q How long has she been dead? A She has been dead about 16 years I guess, as near as I can come at it.
Q Have you any full sisters? A I have not that I recall at present, just half sisters.
Q Do you know a woman named Eliza Gaines? A Yes, sir, that is my half sister.
Q Did you and she have the same mother? A Yes, sir, the same mother.
Q How do you claim through your father or your mother, or through yourself? A I claim through my father and through myself.
Q You were born when the war broke out? A Yes, sir, I was born a little before the war I guess.
Q To whom did you belong? A I don't remember anything about the war, only now about my mother's old master, or anything like that, I wasn't large enough.
Q You don't remember who all the people did you belong to before the war? A I remember her saying she belonged to Brown.
Q What was his his full name? A I think his name was John.
Q Do you know where they carried you during the war? A I heard my mother said they went south.
Q Do you remember when you came back from the south? A No, sir, I don't.
Q You don't know whether you came back with your half sister Eliza Gaines or not? A No, sir, only just what I heard them say that all of us come back together, I wasn't large enough to know myself.
Q Is there anyone of the old people here who knows whether you and Eliza came back together or not? A No, sir, there is not any of my folks here at all.
Q Well, where were you at the time of your earliest recollection, what is the first place you remember anything about? A Well, when I remember anything about the territory at all I was here.
Q Where? A Well, on Cabin Creek is where we first lived that I

began to know anything about it.
Q Have you lived in the Cherokee Nation ever since? A Yes, sir, most ever since.
Q Where have you been living when you were not in the Cherokee Nation? A I went to Chetopa and worked there, and then back in the Territory; I went to Chetopa and worked at times.
Q Is that in the Creek Nation? A Yes, sir, I have been in the Creek Nation.
Q How long were you outside of the Cherokee Nation? A I have never been only two years at a time, or three.
Q At one time? A Yes, sir.
Q But you were out at different times? A Well, at times, I was young, before I was married, I stayed over in Chetopa and worked a little while at a time and came down where my mother was.
Q Where was your mother? A Down here on Cabin Creek.
Q Where did your mother die? A She died out here on Pinewood Hill near Bluejacket.
Q Have you ever been outside of the Indian Territory? A Yes, sir, Chetopa, Kansas.
Q So that was in Kansas you worked for a while? A Yes, sir.
Q Tell me when you first went up to Kansas to work? A Well, I don't know just the year, just when it was; it has been twenty years ago though, or a little longer than that.
Q How did you happen to go up there in the first place to work?
A I just went up there to hire out.
Q How far did you live from the Kansas line? A I think they called it 15 miles or maybe 12 or 13, I think that is the distance over there.
Q Where were you married? A I was married on Big Creek.
Q How long ago? A Well, it has been all of 33 years I guess.
Q Have you lived in the Cherokee Nation ever since? A Yes, sir.
Q How far do you live from your sister Eliza Gaines? A I live about nine miles I think.
Q And how far does she live from here? A Why I don't know how far they call it from Bluejacket down to Vinita.
Q Can't you have somebody come here and testify whether you and Eliza Gaines were brought back to the Cherokee Nation together?
A Well she had uncle Sheep Jim for their witness, he is here, he is out on the Ground.

Jim Alberty, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Jim Alberty.
Q How old are you? A 70 years old.
Q What is your post office? A Chouteau.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Mary Vann; is that her name?
A Yes, sir, that is right.
Q You know her, do you? A Yes, sir.
Q What was her name before she was Vann? A Her first name, first her owner's name was Stover.
Q What was his full name? A John Stover.
Q Was he a Cherokee citizen? A No, sir.
Q What was he? A He was a non citizen.
Q He wasn't a citizen of the Cherokee Nation? A Yes, sir.
Q You said he wasn't a Cherokee citizen? A He wasn't a Cherokee, but his wife was a Cherokee.
Q Well, was this woman understood to belong to the wife or the husband? A The wife.
Q Do you know this woman's mother? A Yes, sir.
Q What was her name? A Rose Vann, that is what I understood.
Q You know her name was Rose what? A Rose Vann is the way I always called her.
Q What was the name of this woman's father? A Mingo.
Q Did he have any other name except Mingo? A None that I ever

knowed of.
Q What was he, a freedman? A No, sir, he was a foreigner from somewhere.
Q Why she hasn't got a drop of any blood but African in her?
A Well I know but he wasn't a citizen here until he married, he was a man from the states.
Q You have evidently got this mixed up? A No I guess not, I don't think I have.
Q How long has this woman's mother been dead, do you know? A No sir, I don't know; well I will tell you, it is just as you say, I have got myself mixed up.
Q You evidently are tracing some other family. A She is a sister to them that was here before, and they were Stovers niggers.
Q What is the name of this woman's husband? A Steve Vann.
Q Well this woman, was she a Vann before she married Steve Vann?
A Well, I always called her Stover; the sister to the that was here before you before.
Q Do you know a half sister of this woman named Elis ? A Yes,sir.
Q What is her full name, Eliza what? A Well Eliza now is Eliza Gaines.
Q Well this woman and that woman, are they half sisters through the other ot through the father? A Well I don't know which.
Q You don't know whether they have got the same mother or not?
A No, sir.
Did you know this woman when she was a baby? A No, sir, I didn't know her when she was a baby, I knowed her when she was a small girl.
Q About how old? A She couldn't have been over five or six years old.
Q Where did you know her? A Up here where they lived, first time I knowed her.
Q Where was that? A Th t was up here on the creek west from Bluejacket I think.
Q In what year was that? A Well now, I can't tell you because I don't know.
Q Was this woman then living with her father and mother?
A No, sir.
Q Who was she living with? A She was there with her sisters, her mother was died when I first seen her.
Q Her mother you think was dead? A I think she was.
Q You don't know whether this woman came back to the Cherokee Nation with Eliza Gaines after the war? A Yes, sir.
Q How do you know that? A I seen her when she came back, she was little.
Q Where did you see her? A Down at Gibson is the first place I saw them.
Q You just now told me you first saw them up here about Bluejacket?
A Her home is up there; then they didn't have no home.
Q I asked you where you first knew this woman and you said up about Bluejacket? A No, I made a mistake there.
By J. S. Davenport, Cherokee attorney: Where did you see her when you saw her at Fort Gibson? A There in Gibson.
Q Who was she with? A Why with her sister, her sister Eliza.
Q What were they doing? A Washing~~xxxx~~, Eliza was.
Q What was the girl doing? A Nothing, wasn't big enough.
Q For whom was she washing? A I don't know, I didn't live there.
Q Yet you remembered this girl then? A Yes, sir, I remembered the girl.
Q Distinctly? A Ask me something I can understand.
Q You recognize her as being the girl you saw down there in '60?
A Yes, sir.
Q And then undertake to swear here her father's name was Vann; didn't you start in here to swear her father's name was Vann?
A No, sir, I didn't.
Q Didn't you start in to swear her mother's name was Vann?

A Yes, sir, because her mother belonged to Vann when she left from Stovers.
Q When did she leave Stovers? A I don't know.
Q What Stover did they belong to? A John Stover.
Q Where did he live at the time of his death? A I don't know.
Q Was he living in the Cherokee Nation? A Yes, sir.
Q You are sure of that? A Yes, sir, living right down this side of Maysville.
Q Bill Stover is a son; did you know his boys before the war?
A No, I don't know anything about his boys.
Q Did he have any children? A Yes, sir.
Q And you don't remember any of their names? A No, not a child.
Q But you are positive this John Stover died in the Cherokee Nation? A I don't know where he died.
Q Didn't you say a short time ago he died here? A No, I didn't.
Q In fact, you don't know anything about John Stover? A Yes, I know where he used to live, been to his place.
Q Did John Stover come back to the Cherokee Nation after the war?
A I never saw him if he did.

****

Commissioner: This will be filed as additional testimony in Cherokee Freedman case D-382, and reference is made to the case of Eliza Gaines, a half sister of the applicant, Freedman Doubtful D-220.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 20th of May, 1901.

Commissioner.

E

CHEROKEE FREEDMEN

COPY. D 322

IN RE

Application for Enrollment of

INFANT CHILD

Dewey Vann

as a citizen of

CHEROKEE Nation

Approved Ma. 17, 1901 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE

CIVILIZED TRIBES.

F I L E D

M A Y 18 1901.

Tams Bixby

Acting Chairman

BIRTH AFFIDAVIT. COPY. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,

of Dewey Vann (Here insert name of child.), born on the 3 day of February 1898

Name of Father: Steven Vann a citizen of the Cherokee Nation.

Name of Mother: Mary Vann a citizen of the Cherokee Nation.

Postoffice Welch, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT.

I, Mary Vann, on oath state that I am 42 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Stephen Vann, who is a citizen, by adoption, of the Cherokee Nation Nation; that a male (Male or Female.) child was born to me on 3" day of Feby, 1898; that said child has been named Dewey Vann, and is now living.

Mary Vann

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 17" day of May, 1901.

(S E A L)

Geo. E. McCulloch
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT.

I, Esther Holt, a midwife, on oath state that I attended on Mrs. Mary Vann, wife of Stephen Vann on the 3" day of February, 1898; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Dewey Vann by myself

her
Esther X Holt
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) } George James
Geo. E. McCulloch

Subscribed and sworn to before me this 17" day of May, 1901.

(S E A L)

My com. Exp. 4/22/1903

Geo. E. McCulloch
Notary Public.

D

CHEROKEE FREEDMAN
COPY D 322

IN RE
Application for Enrollment of
INFANT CHILD

Harry Vann
as a citizen of

CHEROKEE Nation

Approved MAY 17 1901 190

C? R . Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE

FIVE CIVILIZED TRIBES
F I L E D
MAY 18 1901

Tams Bixby
Acting Chairman

BIRTH AFFIDAVIT. COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Harry Vann (Here insert name of child.), born on the 31 day of January, 1893

Name of Father: Robert Wallace a citizen of the ~~Nation.~~

Name of Mother: Mary Vann a citizen of the Cherokee Nation.

Postoffice Welch, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT.

I, Mary Vann, on oath state that I am 42 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Stephen Vann, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 31st day of January, 1893; that said child has been named Harry Vann, and is now living.

Mary Vann

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 18" day of May, 1901.

(S E A L) Geo.E. McCulloch Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT.

I, Stephen Vann husband of the above Mary Vann, on oath state that I was present and helped wait on attended on Mrs. Mary, wife of Stephen Vann, on the 31st day of January, 1893; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Harry Vann

his
Stephen X Vann
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Geo E. McCulloch
J. A. Leforce

Subscribed and sworn to before me this 18" day of May, 1901.

(S E A L) Geo E McCulloch Notary Public.

My Com . Exp. 4/22/1903

INDIAN TERRITORY, NORTHERN DISTRICT. : -SS.

Stephen Vann, and Mary Vann, the father and mother of the child Harry Vann herein named and sought to be enrolled as a child of said parties, each for himself on oath states individually and collectively , that when said Harry Vann was born one Mrs. Ross attended on Mrs. Vann as midwife: that said Stephen Vann was also present, and no one else; that the said Mrs. Ross was a Cherokee woman; that the affiants have been reliably informed that she is dead; that they have both inquired and looked for her but are unable to find her, and they believe she is dead, and they further state that the evidence herewith submitted is the best they can produce of the birth of said child.

his
Stephen X Vann
mark

Witness to mark
Geo E. McCulloch
F. M. Smith

Mary Vann

Subscribed and sworn to before me this 18" day of May 1901,

Geo. E. McCulloch
Notary Public

My com. exp 4/22/1903

10322

COMMISSION OF THE FIVE CIVILIZED TRIBES.

FILED

JUL 22 1901

File with Mary Vann, C.F. D-532.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9th, 1901.

In the matter of the application of Eliza Gaines for enrollment as a Cherokee Freedman; said Gaines being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Eliza Gaines.
Q How old are you? A I don't know exactly how old.
Q How, about how old? A I got it you can see it? (60)
Q What is your postofficea dress? A Bluejacket.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation or tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know.
Q Who do you want to enroll besides yourself? A Myself.
Q How many children? A They are on there. (Referring to paper.)
Q Children are all grown? A Yes, sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

The 1896 Census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw what is known as the strip money? A Yes, sir.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 161, #3968, Eliza Gaines, Cooweescoowee district.

By Mr. Smith, of the firm of Smith & Mellette, Attorneys for applicant:

Q Were you a slave? A Yes, sir.
Q Who was your owner? A John Stover.
Q Was he a Cherokee citizen? A No, sir, my Mistress was.
Q What was her name? A Charlotte Stover.
Q Where were you during the war? A With my Master.
Q Did you go out of the Nation? A Yes, sir.
Q When did you get back? A '66.
Q Do you remember what time in '66? A I come back in the fall of '66, near Christmas.
Q Where did you come to, what part of the Cherokee Nation?
A I come to Gibson.
Q Where do you live now? A I live at Timbered Hill now.
Q Have you a place there? A Yes, sir.
Q Farm? A Yes, sir.
Q Are you on the Kerns-Clifton roll? A I guess I am on it, you will have to look to see.

By W.W.Hastings, Cherokee Representative:

Q Who did you come back to the Cherokee Nation with? A I come back with John Stover.
Q He brought you back? A Yes, sir, brought us to the Chickasaw Nation.
Q Did he die in the Chickasaw Nation? A Yes, sir.
Q He didn't come back here after the war? A No, sir, he died over there but we come back.
Q After he died then you come on up to the Cherokee Nation?
A Yes, sir, I hired a wagon and come on up to Gibson.
Q Now, how many come along in that crowd? A There was not nobody but me and my sister, we hired a man to,bring us.
Q What was your sister's name? A Jane Webb, she was Jane Brown at that time.
Q You hired a wagon, did you? A Yes, sir.
Q Do you remember the man's name you hired? A Mr. Brown, he was

her husband.
Q How long did you stay at Fort Gibson? A We stayed there about, we come in the fall before Christmas, stayed there until I got able to travel again.
Q About how long? A I guess it was about nearly, over six months, a year; we stayed there and drawed rations.
Q Whom did you stay with at Gibson? A We was in a tent.
Q Just you two and her husband? A Yes, sir, and the children.
Q What children did you had at that time? A I had Julia and Georgia and John Henry and Lizzie.
Q They were all along with you? A Yes, sir.
Q Who did you work for at Fort Gibson? A I washed for the soldiers
Q And where did you go from Fort Gibson? A Istayed there about a year and come up about Mr. Bell's.
Q Mr. Hooley Bell? A Yes, sir.
Q Where was he living at that time? A I can't tell you, but it was somewheres where the old Fort had been and there was coffins there and anyway I know it was where he lived, I cut corn for him.
Q For Hooley Bell? A Yes, sir.
Q How long did you stay with Hooley Bell? A Stayed until along in the fall.
Q You stayed there from the summer until the fall? A Yes, sir.
Q About six or eight months? A Yes, sir.
Q And that must have been the fall of 1867 when you stayed up at Hooley Bell's? A I don't know.
Q Now, where did you go? A I went to Chetopa and stayed there.
Q Chetopa, Kansas? A Yes, sir, right across the line.
Q You didn't go into the State of Kansas? A No, sir.
Q You only went up near Chetopa on the Cherokee side? A Yes, sir, on what they call.
Q Now, whom did you work for up there? A We was working for ourselves, a man hired us to go out and work on his farm, it was a man named Larkins.
Q Now how long did you work for Larkins? A We stayed there a long time.
Q A number of years? A Yes, sir, until we moved down here.
Q Until you moved where you live now? A Yes, sir.
Q After you left Hooley Bell's place you went up to Larkins place?
A Yes, sir.
Q Are any of Mr. Larkins folks alive now? A Not as I know of.
Q He had a family did he? A Yes, sir, he had four in his family, his wife and two children.
Q Was Mr. Larkins a citizen of the Cherokee Nation? A I don't know, he hired us to work.
Q Have you ever lived in Kansas since the war? A No, sir.
Q You never went up there at all? A No, sir, just go up there and come back.
Q You come back from near Chetopa to where you live now? A Yes, sir; I don't live there now, I live on Timbered Hill near Bluejacket.
Q I mean you come from the Larkins place down to near Bluejacket?
A Yes, sir.
Q What direction is that, is it on the Cooweescoowee side?
A Yes, sir.
Q Towards the sunset from Bluejacket? A Yes, sir.
Q Did your sister go with you all these round you are talking about? A She was with me pretty much of the time.
Q Did these children go with you? A They was with me some and I had some hired out.
Q You stayed about three or four years at the Larkins place?
A Yes, sir.
Q Did you have any neighbors around there? A There was no neighbors but one family.

Q What was that family? A John Shafer.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q Now, about how far from Chetopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles.
Q Down ion the Cherokee side? A Yes, sir.
Q South of Chetopa? A Yes, sir.
Q Were you living there when the railroad come there? A No, sir, wasn't no railroad, living there long before the railroad was built.
Q You were livig there when the railroad was built? A Yes, sir, there wasn't no houses when the railroad come through.
Q You were living at Larkins when the railroad come there?
A Yes, sir.
Q Now Aunty, how far from the railroad track, the M.K.& T., were you living? A I don't know, we could not hear the trains.
Q On the south of the track? A That was on this side of the track, over in Cooweescoowee.

By Mr. Smith:

Q Who are your children? A John Henry.
Q John Henry what? A John Henry Nash, Julia Nash, Lizzie, Georgia Ann, Malinda, Etta, Berry, the other three is dead.
Q How many? A Three is dead.
Q How many are alive now that you name? (No response.)
Q You don't mean that anyof those whose names you give are dead?
A No, sir.
Q Do they go by this name now; are they still named Nash, or are they married? A They are married.
Q What are the names of the girls? A Malinda Johnson and John Nash, he goes by his daddy's name, Georgia Jones and Lizzie Martin and Carrie Harrison.
Q Are they here? A There is Mary ayberry.

CHARLEY CHAMBERS, called as a witness on the part of the Applicant, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Charley Chambers.
Q How old are you, Mr. Chambers? A 78.
Q What is your postoffice address? A Hudson.

By Mr. Smith:

Q Do you know Eliza Nash or Eliza Gaines? A Yes, sir.
Q How long have you known her? A Well, I have known her somewheres about in '66.
Q Where did you know her? A When I first known her she was at, my first knowing her, I seen her at Fort Gibson.
Q Are you a Freedman? A Yes, sir.
Q Are you on the 1880 roll, or not? A Yes, sir.
Q Where were you during the war; did you go out o the Cherokee Nation? A No, sir; yes, sir, I went out f the Cherokee Nation, but I was in the Territory, the Choctaws.
Q The Choctaw Nation? A Yes, sir.
Q Do you remember when you got back to the Cherokee Nation?
A Yes, sir.
Q When was it? A I come back in '65, I come back in '65; this side of Fort Smith over there down in the bottom on this side of the river.
Q How long was it after you come back before you became acquainted with or see Eliza Nash, or Eliza Gaines? A Well, I come back in, along, in the summer and I come up from there and come up to Tahlequah where my old folks was living and it was that winter about the next, I mean the next year, the winter I was over to Fort Gibson and seen her there.
Q About what season of the year was it you got back? A Along in

the summer, spring like.
Q Of 1865? A Yes, sir.
Q And the following winter? A No, it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.
Q Well, which was it, the following winter after you come back in the summer? A Yes, sir.
Q Do you know her children, know what their names are all of them, or not? A No, sir, I don't know; I never seen any of the children then, I didn't know anybody but her and she was up there, up there drawing Government rations then when I seen her.

By W. W. Hastings:

Q Did you see her there then the one time, Mr. Chambers?
A No, sir, I seen her there as much as twice I know of; it was the first time I saw her there it was.
Q That was in the fall after you come back in the spring or summer? A Yes, sir; after I come up from Fort Smith, I come up then to see my olk folks that raised me and while I was there I went on there to Fort Gibson and seen her there.
Q You are positive you saw her? A Yes, sir, I am positive I saw her there.
Q Are you positive about the year you saw her? A It is the same winter after I come there; you see I stayed there all that summer down there to Fort Smith and along in the fall I come up here.
Q And that is the fall you saw her? A Yes, sir, that winter I seen her.
Q You know that? A Yes, sir, I know that to be fact.
Q You come here you say in the spring or summer of 1865? A Yessir
Q And you say it was the next winter you saw her? A Yes, sir, I stayed that summer there at Fort Smith in the bottom, understand me right; I stayed there that summer in the bottom and that winter I come up to see my old folks who raised me; well that fall I stayed there all fall and that fall I went down to Gibson, ridings about as usual and stayed around there a little while and I seen her and I was always a pretty good hand to notice women.
Q And you noticed her among all that bunch? A Yes, sir.
Q You remember seeing her? A Yes, sir.
Q Well, when did you next see her? A I seen her again a short time after that, I saw her there in a store and the next time I saw her
Q Whose store? A I can't call the man's name now; but anyhow it was the store George Sanders was working in; I guess you know don't you, don't you recollect.
Q I was not there. A There at Fort Gibson.
Q When did you next see her? A I never seen her from over there, I never seen her any more until I saw her up there where she is living now, at Timbered Hill.
Q How long was that after you saw her at Fort Gibson? A Four or five years.
Q You don't know where she had been in the meantime? A No, sir; but I don't think she had been anywhere but, I heard of her living up by William Tuker's.
Q You never did see her up there? A No, sir.
Q Have you ever been arrested? A Yes, sir.
Q What for? A For several things.
Q How many times? A Twice, three times, one time for selling bows and the next time for selling cedar posts.
Q What Court? A Cherokee; arrested one time by the United States Court.
Q What for? A For shooting at a man.
Q What was done with you? A Never done nothing with me.
Q Did they try you? A Yes, sir, never done anything.
Q What did they do with you in the Cherokee Court? A Nothing,

turned me aloose and let me go home.
Q Never was convicted? A No, sir.
Q You don't remember seeing anybody but this woman in 1866?
A Oh, I seen lots others.
Q I mean of her family? A If I did I didn't know 'em.

JAMES ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A James Alberty.
Q What is your postoffice address? A Chouteau.
Q How old are you, James? A I am near 70 or older, I don't know.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, I drawed money, votes.
Q Is your name on the roll of 1880? A No, sir.
By Mr. Smith:
Q Do you know Eliza Gaines? A Yes, sir.
Q Sometimes called Nash? A I know her.
Q How long have you known her? A I don't know how long, I known her when she was with her old Master, I don't know how long that has been.
Q Who was that? A Mr. Stover.
Q Well, where were you during the war; did you go out of the Cherokee Nation? A Yes, sir, south.
Q When did you return to the Cherokee Nation? A I returned in '66, before the Treaty was made.
Q Did you know where Eliza Nash was at that time? A (No response)
Q When did you see Eliza Nash? A When I come back.
Q When was the first time you saw her? A At Gibson.
Q When? A In '66.
Q Can you state at what time it was? A In the fall.
Q Did you know any of her family, any of her children?
A No, sir, I could not tell anything about them.
Q Did you know her sister? A Yes, sir..
Q What was her sister's name? A Lydia was one and Jane she was one and if I don't mistake, Mary was one, that I recollect.
Q Do you remember seeing any of them? A Yes, sir.
Q Who did you see? A Lydia that I noticed.
Q That you remember? A Yes, sir.
Q Do you know of your own personal knowledge whether they, or any of them, went out of the Cherokee Nation, and if so, when they came back? A No, sir, I don't know.
By W. W. Hastings:
Q Whom did you belong to when the war broke out? A John Alberty.
Q John Alberty sold you out here before the war?
A No, sir, he didn't; he sold Dave though.
Q You swear that you belonged to him at the time of the war?
A Yes, sir, I never belonged to anyone else that I know of.
Q He never sold you out? A No, sir.
Q Where were you living when the war come up? A Right at Pryor Creek, right at the toll bridge.
Q Where was this woman living when the war come up? A At Stover's
Q How far was that from where you were living? A I trained horses right there by Wilson's.
Q Whom did you train horses for? A Trained horses for Jim Kell.
Q And you knew Eliza before the war? A Yes, sir.
Q What were you doing at Fort Gibson when you saw her there?
A Nothing, just riding about getting drunk; that is all I done in them days; I had money and didn't work.
Q Was Eliza Gibson living at Fort Gibson when you saw her? A She was there washing, I don't know where she was living.
Q How do you happen to remember seeing her? A I stopped there

Eliza Gaines - 6'

where she was and talked with her.
Q Did you see her there just once? A The next time I saw her, ask me.
Q Where did you see her next? A On Cabin Creek.
Q Where is that? A I don't know which way it is from here.
Q How far fro Vinita? A Good ways.
Q Near whose place? A Bill Tucker's.
Q On Cabin Creek? A Yes, sir.
Q When was that you saw her there? A I don't know, it may have been a year or maybe more.
Q She was living up there then? A Yes, sir, in the house not far from Mr. Tucker's.
Q Where did you see her the next time? A Where she lives now.
Q About how long was that after that? A I don't know.
Q She moved from where she lived on Cabin Creek to where she lives now? A Yes, sir.
Q West of Bluejacket? A Yes, sir, west of Bluejacket.
Q Jim, were you ever trued for anything by the Courts? A No, sir.
Q Never was arrested? A No, sir, not by the Courts, I was not.
Q By the Marshals? A No, sir, I used to be a Marshal myself, I never was arrested for any crime of any kind, never was.

Com'r Needles: Eliza Gaines applies for the enrollment of herself as a Cherokee Freedman Her name is not found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Kerns-Clifton roll, and her name is found thereon according to the page and number as indicated in the testimony. Her name will now be placed upon a doubtful card for the further consideration by the Commission. The final decision of the Commission will be made known to the applicant as her postoffice address by due course of mail. If at any time she desires to introduce any additional testimony the same will be received.

****

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,
Subscribed and sworn to before me this 10th day of May, 1901.
Signed, C. R. Breckinridge

****

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of July, 1901.

Commissioner.

4 JD 32

COMMISSION

OCT 21

File with case of Mary Vann, C.F.-D.#322.

Supl.C.F.-D.#220. R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA GAINES as a Cherokee Freedman, introducedon part of the Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JOHNATHAN GORE being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Johnathan Gore.
Q Where do you live? A I live near Bluejacket, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A I have made that my home since '78; I have lived in the Nation longer than that, but that has been my home since '78
Q When you located at Bluejacket or near where Bluejacket is now, were you over that section of country very much? A Yes, sir, I was around there quite often.
Q Are you acquainted with Eliza Gaines? A Yes, sir, I know Mrs. Gaines and her people.
Q How long have you been acquainted with Eliza Gaines? A Well, I don't know, I can't tecollect the first time I ever met her, but it was along in '85 or 6, I ain't positive as to dates.
Q Do you know what they call Timbered Hill out there northwest from where Bluejacket is? A Yes, sir.
Q Do you know where she livesnow? A I know where the old man lives I suppose she lives with him, I never was right in the house, I have been right close to it.
Q Well, that section of country, were you through that section of country when you located at Bluejacket up to '81 or '2? A Yes, sir, I live near there and I was through the hill quite often, I had stock up there once.
Q When did these people settled up there to the best of your knowledge? A I can't tell you the exact time they settled there, it must have been '82 or '83; I never saw these people there in '79, '80 or '81, they might have come there in '82.
Q Well, were you over the country where they located there, where their ~~xxxxx~~ improvements are? A Yes, sir.
Q Could they have had a place and you not known it? A There was no place where Mrs. Gaines lives now; that is none except the Cris Young place and he built his house in '81, and I assisted him in building it and was familiar with nearly everybody that lives on Timbered Hill at that time and there were no colored people living there.

MR. MELLETTE: When did you get acquainted with Eliza Gaines? A Well, sir, I can't state as to the time I got acquaintedwith her; I have seen her in town and the people said that was Mrs. Gaines, I can't give the exact date.
Q Now, you don't know whetheryou got acquainted with them when they first came up there about Bluejacket or not, do you? A I could not state positive when they came there at the exact time, I know there was none living there at the time I was putting, assisted Cris Young built his house and for quite a while afterwards.
Q You don't know anything about them being at Fort Gibson right after the war? A Nothing in the world about it.
Q And about them living down about Holley Bell's place? A No, nothing in the world about it.

Q And living up near Chetopa at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A George Walker.
Q Where do you live, Mr. Walker? A Live on Cabin Creek.
Q What is your post office? A Henson.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I am 71.
Q How long have you lived in the Cherokee Nation, Mr. Walker? A Well, I guess I have lived there all the time.
Q Well, how long have you livedup in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall of '66.
Q Been living in that locality since that time? A Yes, sir.
Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now/
Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
Q In the Cherokee Nation or State? A In the State.
Q Well, after you knew him living there, did he live on that place? A I could not tell you.
Q Well, did he afterwards live in ghe Cherokee Nation? A Well, I think he lived on Russell Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
Q Do you know what the place he lived on is known by now, what place? A I beliebe Holderman owns it now.
Q Has it ever been known by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
Q How far from the Boudinot ranch place? A About three miles.
Q And he lived there after the railroad came through? A Yes, sir.

MR. MELLETTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
Q How far across the line was it? A It is right in the edge of town.
Q Then, there was his place in the Cherokee Nation? A I am a little bit too fact, I think a man by the name of Reed first built it and Larkin got it away from him.
Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
Q Wherewas Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
Q Three miles from where he livednear Chetopa? A It is about four I guess.
Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else' name.
Q What? A He didn't own it.
Q He was a noncitizen? A Yes, sir.
Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell Creek is right close to Chetopa, isn't it? A About three miles and a half.
Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it? A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. R. Hurst.
Q Where do you live, Mr. Hurst? A I live down at Claremore.
Q How old are you? A I am 48 yearsold.
Q Where were you raised? A I was raised, I was born up here at Chetopa Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory pratcically and lived here the greater portion of your life? A Yes, sir, that was in the CherokeeNation then.
Q Where were you living when the war closed, Mr. Hurst, or near what place A I was living, let's see, in '66 we lived on Neosho river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first time I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United States citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
Q After that time did you have any businesstransactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it;first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, what year was that place started after you got acqauinted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left there? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about '70.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of, I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.
MR. MELLETTE: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards, I mean while you were there?
A Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holderman place? A It must be about mile and a half or two miles, I don't know but what the Holderman place joins it now.
Q Did you keep track of everybody that was there in that country?
A Why, at that time I did.
Q How far did your range extend, how far did you know the people?
A Well, my range extended from Neosho river over to the head of Cabin creek.
Q You watched everybody that came in? A I knowed everybody, nearly everybody.
Q Have you ever been convicted of any crime?
Mr. Davenport: I object to that.
Commission: The objection will be noted, and answer the question.
Q Were you convicted? A Yes, sir.
Q Were you sent to the penitentiary? A Yes, sir.
Q Where from? A I was sent from Oswego, Kansas.
Q How long ago? A Let's see, it was in '74.
Q What charge? A Grand Larceny.
Q How long did you serve? A Five years
Mr. Mellette: I ask that his testimony be stricken out?
Commission: The objection will be noted, and the testimony will be considered for what it is worth.
MR. DAVENPORT: Did you serve your time? A Yes, sir.
Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANDVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Granville Craig.
Q Where do you live, Mr. Craig? A Big Cabin.
Q What is your post office? A Bluejacket.
Q How old are you? A 50.
Q How long have you lived in the neighborhood of Bluejacket?
A Since '75.
Q How far do you live from Timbered Hill out west of Bluejacket?
A About a mile.
Q How long have you lived in that section? A All the time.
Q When you came down in that country in 1873 who was living in that country? A Nobody.
Q Do you know Eliza Gaines? A Yes, sir.
Q How long have you known her? A Since '82.
Q Whether ewasshe when you first got acquainted with her? A Right there where she lives now.
Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.
Q How far is that from where you live? A About three miles.
Q You had been living up in that country from '72 or '3 up until now? A Yes, sir.
Q What had you been doing there? A Farming and live stock.
Q Had they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1882?
A No, sir.
Q You don't know where they came from? A No, sir.
Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.
Q Where was he living when you got acquainted with him?
A In Chetopa, right at the edge of Chetopa.
Q Do you know where he had that ranch down there on Russell creek?
A I could not say what time he run the ranch there.
Q How far is that from this Timbered Hill where you live?
A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before A I think he was handling it at the time the railroad came through and some time afterwards.
Q You don't remember when he began? A No, sir.
MR. MELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.
Q She located there in '82? A Yes, sir.
Q And lived there continuously since that time? A Yes, sir.
Q That is in the Cherokee Nation? A Yes, sir.
Q You don't know where she lived before that? A No, sir.
MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines; do you know any of their children?
A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that worked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A C. C. Young.
Q Where do you live, Mr. Young? A Two miles west of Bluejacket.
Q How old are you? A 50 years old.
Q How long have you lived in that neighborhood, Mr. Young? A Since '81.
Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast if the main timbered Hill.
Q How long have you lived there at that place?
A Settled there in '81.
Q When you built there were there any colored people living near where you built? A Yes, sir.
Q Do you know Eliza Gaines? A Yes, sir.
Q Do you know any of her family? A Yes, sir.
Q What were their names? A I know John, Eliza, Malinda.
Q What does John go by? A Name of John Nash.
Q Now, when did they come into that country and establish any improvements? A The first I knoew of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.
Q In the fall you say they come from what direction were they coming? A They was coming a little southeast.
Q And they came back in the fall and located that year? A Yes, sir.
Q How far did they locate from where you had your place, Mr. Young?
A About a mile west.
Q They have been living there since that time? A Yes, sir.
MR. MELLETTE: You don't know where they lived before that?
A Well, some of them said they lived over in the Jenkins settlement.
Q Where is that? A That is west of Timbered Hill.
Q That is in the Cherokee Nation is it? A Yes, sir.

J. W. CLARK, being duly sworn, testified as follows on behald of Cherokee Nation:
MR. DAVENPORT: What is your name? A J. W. Clark.
Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.
Q Your wife stays here doesn't she? A Yes, sir.
Q How old are you? A I am 58 years old.
Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.
Q What place were you living? A When the war closed?
Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '65.
Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living now.

Q Well, did you afterwards have anything to do in latter years as what is known as the Hooley Bell place? A Hooley Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hooley Bell place
Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.
Q What year? A '66.
Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn(t notheing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.
Q Was there any cultivated land there in '67? A There was not any, Captain Bell movedback on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Witness: L. B. Bell; 62; Vinita.

Q Where were you living at the close of the war, Mr. Bell?
A My family was in Russ County, Texas, I reckon I was living there.
Q When did you come back to the Cherokee Nation? A I come back here in 1867.
Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.
Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.
Q Had you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commencedit in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.
Q Do you know Eliza Gaines? A No, sir.
Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negros there that belonged to old John Stober, stopped and cut the corn.
Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from? A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time that got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directily about where they had come from, or as to whether they had just come into the country or not.
Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there;in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.

MR. MELLETTE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the w ar, didn't she?
A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John stover's slaves and I so took it, and believe it yet.

Q Well, now, when you see Eliza Gaines after the war? A I don't know that I ever saw Eliza Gaines after the war.
Q Well, now, Col. Bell, you made an application for herbefore the Wallace Court? A I guess I did.
Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.
Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was makeing a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who lived in Delaware District for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/
Subscribed and sworn to before me this September 11th, 1889.
John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.
Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better then than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.
Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.
Q Did you know Nancy Dameron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.
Q was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.
Q Is she dead or alive? A She is dead I think she resided in this town here.
Q I have here a statement of Eliza Gaines made before John W. Wallace? U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the begin ing of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the Secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask now to introduce the affidavit of Nancy Dameron, who is dead, which affidavit is as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who know the same facts that Mr. Dameron knew and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Mellette: Now, the Attorney for the Applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#322, D.#231, D.#232, D.#716, and also in the case of Eliza Gaines, D.#220.

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J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

Freed. B-321.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Mary Maybry for the enrollment of herself as a Cherokee freedman.

Applicant appears by Mellette & Smith; Cherokee Nation by J. S. Davenport and W. W. Hastings:

There is offered in evidence by the attorney for the applicants the marriage license issued by James A. Winston, Clerk of the United States Court for the Northern District, Indian Territory, on the 1st day of September, 1898, authorizing the marriage of W. B. Maybry and Miss Mary Nash, and certificate showing that they were united in matrimony on the 5th day of September, 1898, by Rev. C. W. Weaver.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger.

Subscribed and sworn tobefore me this 16th day of June, 1902.

W. Neville
Notary Public.

Cherokee Freedmen D-322.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Mary Vann and her minor children as Cherokee Freedmen.

On October 11, 1904, Steve Vann, husband of the a plicant, was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the a plication for the enrollment of Mary Vann and her minor children, as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 17th day of November, 1904, this cause comes on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorneys, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904.

Charles A. Sawyer
Notary Public.

A.F.M.

Cherokee Freedmen D 322
Cherokee Freedmen 847

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dewey Vann as a Cherokee Freedman.

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O R D E R .

The records of this Commission show that on May 16, 1901, at Vinita, Indian Territory, application wa made for the enrollment of one Dewey Vann as a Cherokee Freedman and that said Dewey Vann was listed for enrollment on Cherokee freedman Doubtful card No. 322.

The records of the Commission further show that one Steve Vann is the father of the applicant , Dewey Vann; that the said Steve Vann is identified on the Cherokee authenticated tribal roll of 1880 , was listed for enrollment as a Cherokee Freedman by this Commission, on Cherokee freedman card No. 847, and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior January 16, 1903, opposite No. 2040; and that the applicant, Dewey Vann, was born since 1896, has continuously lived in the Cherokee Nation since birth, and is duly identified by a birth affidavit filed May 18, 1901.

It is, therefore, ordered by this Commission that the enlistment for enrollment of Dewey Vann on Cherokee freedman Doubtful card No. 322, be cancelled, and that said applicant, Dewey Vann, be listed for enrollment on Cherokee Freedman card 847.

Tams Bixby.
Commissioner

Date at Muskogee, Indian Territory,

this MAR 11 1905

Cherokee Freedmen D 322

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Vann et al., as Cherokee Freedmen.

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D E C I S I O N.

The record in this case shows that on May 16, 1901, Steve Vann appeared before the Commission at Vinita , Indian Territory, and made application for the enrollment , among others, of his wife, Mary Vann, and minor stepson, Harry Vann. The others included in said application are differently classified and will not be embraced in this decision. Further proceedings in the matter of said application were had May 18, 1901, at Vinita, Indian Territory, and May 31, 1902, and November 17, 1904, at Muskogee, Indian Territory. A copy of the testimony taken in the case of Eliza Gaines, Cherokee Freedman D 326, is filed herewith and made a part of the record herein.

The evidence in this case shows that the applicant, Mary Vann, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation, and has since continuously resided therein. The applicant, Harry Vann, is the minor child of the applicant, Mary Vann, and has continuously resided in the Cherokee Nation since birth.

The evidence in this case establishes that the applicant, Mary Vann, after the close of the Rebellion, returned to the Cherokee Nation in company with, among others, Eliza Gaines, her half-sister. In Cherokee Freedman D 220(1281) the Commission has heretofore found that t e said Eliza Gaines returned to the Cherokee Nation after the close of the Rebellion, within the time specified in the above mentioned Whitmire decree, and on April 4, 1904 (Departmental letter I.T.D. 836-04), said finding was approved by the Department.

It is, therefore, the opinion of this Com ission that Mary Vann and Harry Vann should be enrolled as Cherokee Freedmen, in accordanc with the provisions of section twenty-one of the Act of Congress approved June 2?, 1898 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 28 1905

I Concur -

C. R. Breckinridge

32 F. 1487

IN RE
THE DEATH OF
Mary Vann
A CITIZEN OF THE
Cherokee Nation

0176
Approved JUL 13 1907 190

Acting Commissioner

JUL 13 1907

J. G. Wright,
Commissioner

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mary Vann
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near Blue Jacket Ind. Ter., and died on the 12th day of March, 1904

AFFIDAVIT OF RELATIVE

I, Lidy Carter, on oath state that I am 56 years of age and a citizen, by Birth, of the Cherokee Nation; that my postoffice address is Coffeyville (Here insert name of postoffice) Kans ~~Ind. Ter.~~; that I am sister (State relationship: as the father; an uncle; a cousin, etc.) of Mary Vann (Here insert name of deceased) who was a citizen, by Birth, of the Cherokee Nation; and that said Mary Vann (Here insert name of deceased) died on the 12 day of March, 1904

her
Lidy x Carter
mark

WITNESSES TO MARK:

(Must Be Two Witnesses) Andy Berry
M Brink

Subscribed and sworn to before me this 24th day of June 1907

Oct. 9 1910

Elizabeth Wallingford
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

State of Kansas
County of Montgomery

I, Frank Shields, on oath state that I am 45 years of age, and a citizen by Friedman of the Cherokee Nation; ~~that my postoffice address is~~ Coffeyville (Here insert name of postoffice) Kansas ~~Ind. Ter.~~; that I was personally acquainted with Mary Vann (Here insert name of deceased) who was a citizen, by Friedman, of the Cherokee Nation; and that said Mary Vann (Here insert name of deceased) died on the 12th day of March, 1904

his
Frank x Shields
mark

WITNESSES TO MARK:

(Must Be Two Witnesses) J H Childers
Bennie Williams

Subscribed and sworn to before me this 29th day of June 1907

Chas A. Etten
Notary Public.

My commission expires Sept. 11th 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen

D-322.

Muskogee, Indian Territory, July 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Steve Vann for the enrollment of himself, wife and children as Cherokee freedmen, you are advised that before the Commission can render a final decision it will be necessary that further testimony be introduced as to the date of the return of the applicant's wife to the Cherokee Nation after the close of the war of the rebellion.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear and to cross-examine and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-322.

Muskogee, Indian Territory, July 19, 1904.

Steve Vann,

Welch, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of your said wife's return to the Cherokee Nation after the close of the war of the rebellion.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday August 15, 1904, and introduce testimony as above indicated. In this connection you are advised that the Commission considers the testimony of those persons with whom your wife did live to have returned to the Nation.

Respectfully,

Registered.

Commissioner in Charge.

COPY.

Cherokee Freedman.

D-322.

Muskogee, Indian Territory, October 11, 1904.

Ben Sanders,

Administrator of the estate of Mary Vann.,

Miles, Indian Territory.

Dear sir:

The Commission is in receipt of your letter of October 1st, relative to the enrollment of Mary Vann as a Cherokee Freedman.

In reply you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the date of the return of the said Mary Vann to the Cherokee Nation after the close of the war of the rebellion. Steve Vann, husband of the said Mary Vann, has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine oclock A. M., on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby.

Chairman.

Register.

COPY

Cherokee Freedman.
D-322.

Muskogee, Indian Territory, October 11, 1904.

Steve Vann,

Bluejacket, Indian Territory.

Dear sir:

In the matter of the application for the enrollment of your wife, Mary Vann, and her minor children, Harry and Dewey Vann, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the date of the return of the said Mary Vann to the Cherokee Nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine oclock, A. M. on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby.

Register. Chairman.

1220
322

INDEXED

1904
NOV 17

Sanders, Ben,
Vinita, I.T.,
Cherokee Nation,
Nov. 16, 1904.

Relative to case of Mary Vann.
States Steve Vann is in jail
and can not appear as requested.

Vinita Ind.Ter. Nov.16th.1904.

Commission to 5 Tribes,
Muskogee I.T.

SIRS.

Your favor of the 11th. inst., in re the case of Mary Vann of Miles I.T. Is received and noted.

Replying thereto beg to advise you that Mr. Steve Vann, the husband of Mary Vann is confined to the U.S. jail located in Vinita I.T for 75 days time beginning the 10th. inst and ending the Jany.25th., 05. so you see it will be impossible for Mr. Steve Vann to appear before your honorable Commission on the 17th., inst., as requested..

The circumstances being as they are regarding Mr. Steve Vann, I respectfully submit to you the following names of parties who have known Mary Vann since her infancy.

Berry Thompson, brother, PO address Vinita I.T.

Lydia Carter sister, " Coffeeville Kas.

Jane Webb, " " Bluejacket I.T.

Mrs. Ose Trott, Vinita I.T. who is the daughter of John Stover, owner in bondage of the said Mary Vann.

All of the above parties can testify as to the identity and residence in the Cherokee Nation of the said Mary Vann as to her citizenship as a Cherokee Freedman. I will be pleased to comply with any request that you may make to me regarding the appearance of any of the above parties before you Commission, regarding the facts pertaining to the identity of Mrs. Mary Vann and her lineage. Will you kindly set a future date, giving me an opportunity to furnish you the information desired and advise by return mail.

Very respectfully,

Ben Sanders

Administrator estate Mary Vann,

COPY.

Cherokee Freedman
D-322.

Muskogee, Indian Territory, January 13, 1905.

Ben Sanders,

Administrator of the estate of Mary Vann, deceased,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 16, 1904, in which you state that Mary Vann is now dead and that her husband, Stephen Vann, is confined in the United States Jail at Vinita, and that his term of imprisonment does not end until January 25, 1905. You ask that a future date be set for the hearing of this case in order to give you an opportunity to furnish the information desired.

In reply you are advised that this case has been set for hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1905, and you are requested to appear on said date and introduce testimony as to the date of the return of the said Mary Vann to the Cherokee Nation after the close of the war of the rebellion.

Respectfully,

Chairman.

Register.

COPY.

Cherokee Freedman
D-322.

Muskogee, Indian Territory, January 13, 1905.

Edgar Smith,

Attorney for Mary Vann et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mary Vann and her minor children as Cherokee Freedmen, you are advised that the Commission desires further testimony establishing the date of the principal applicant's return to the Cherokee Nation after the war of the rebellion.

Ben Sanders, administrator of the estate of Mary Vann, has this day been advised to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1905, and introduce the testimony above mentioned.

Respectfully,

Chairman.

Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-322.

Muskogee, Indian Territory, June 28, 1905.

Mary Vann,

Blue Jacket, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 28, 1905, granting the application for the enrollment of yourself and your minor child, Harry Vann, as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-28
Register

Cherokee Freedmen

D-322.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of Mary Vann, et al., as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-29

COPY.

Cherokee Freedmen
D-322.

Muskogee, Indian Territory, June 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrolment of Mary Ware, et al., as Cherokee freedmen, including the Commission's decision dated June 21, 1905, granting said application, Commissioner C. R. Breckinridge dissenting.

Respectfully,

Tams [illegible]
Chairman.

Incl. S-30

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land

30397-1905 DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. July 15, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Steve Vann for his wife, ary Vann, and minor step-son, Harry Vann.

June 28, 1905, the Commission decided favorably to the applicants.

The record shows that ary Vann was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation but returned thereto on or before February 11, 1867, and has since continuously resided therein; that the applicant, Harry Vann is her minor child and has continuously resided in the Cherokee Nation since birth.

In view of the record the approval of the Commission's decision favorable to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

H.M.M.
W.

(C O P Y)

D. S. 48352-1905

I.T.D. 8382-1905

W. C. F.
Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

L R S

WASHINGTON.

October 17, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Steve Vann for the enrollment of his wife, Mary Vann, and his minor step-son, Harry Vann, as Cherokee Freedmen.

Commissioner Breckinridge dissented from the decision of the Commission.

Reporting July 15, 1905, the Indian Office recommended that Commission's decision, favorable to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A HITCHCOCK
Secretary

1 inclosure

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen

D 322.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1905.

Mary Vann,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of yourself and son, Harry Vann, as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior October 17, 1905.

For your information there is inclosed herewith a copy of the Departmental letter referred to.

You are further advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

Ls
Incl. S-48

Cherokee Fr.
D-322

COPY.

Muskogee, Indian Territory, October 31, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment as a Cherokee Freedman of Mary Vann and her son Harry Vann, Cherokee Fr. D-322, was affirmed by the Secretary of the Interior on the 17th day of October, 1905.

For your information, there is enclosed you herewith a copy of the decision of the Department above referred to.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

Encl. J-9

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Mary Vann for enrollment as a Cherokee Freedman.

No. F. D. 322

Harvey Clark, of lawful age, being duly sworn on oath states that on the 19th day of September, A. D., 1901, he registered to Mary Vann whose postoffice is Welch Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 26th day of September, 1901, he received the return card which is hereto attached, signed by the said Mary Vann, showing that he had received said notice.

Harvey Clark

Subscribed and sworn to before me on this the 26 day of Sept A. D. 1901.

J C Starr
Notary Public.

F.D. 322

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

..... Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ....., 1901.

..... Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 26 1901

..... ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Mary Vann for enrollment as a Cherokee Freedman:

Case No. F. D. 322

To Mary Vann, Welch, I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ***Vinita, Indian Territory,*** Indian Territory, on the following dates, to-wit: 12 Oct, 3 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept, 1901.

Attorneys for the Cherokee Nation.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

3/3

1/22/1907

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Mary Mann,

Blue Jacket, Indian Territory.


JACKET

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND.
NOV 3
M

PENALTY FOR PRIVATE USE

Mary Wann,

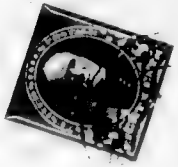
~~Welch~~, Indian Territory.


REGISTERED
MAY
14
1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





REGISTRY ~~RECEIPT~~

Post Office at Fort Gibson N.T.

Registered ~~Letter~~ Parcel No. 93 Rec'd Sept 13 1901

of H. Stern

Fort Gibson N.T.

addressed to Irick Dan

Henry Ind Ter

Hubbard Iowa P. M.

Cher Fr 1488
Trans. from Cher Fr D598

Cher Fr 1488

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7,1901.

In the matter of the application of Peggie Hickey for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Peggie Hickey.
Q How old are you? A I don't know exactly; when the war broke out my mistress said I was about 15 years old.
Q About sixty years old, then? A I must be.
Q What is your post-office? A Hayden.
Q What district do you live in? A Coowescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw any money? A Yes sir.
Q Did you draw what is known as Strip money? A Yes sir.
Q Who do you want to enroll besides yourself? A There aint nobody living now but me; mother is dead.
Q Was you a slave? A Yes sir.
Q Who did you belong to? A Mrs. Hickey.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 104 #2593 Pegg Hickey, Coowescoowee District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 117 #2479 Peggy Hicky, Coowescoowee District.

Q Have you got any witnesses? A Yes sir, L.D.Daniels and Ned Vann.

184 authenticated roll of citizens of the Cherokee Nation examined and applicant NOT identified thereon.

Q Were you taken out of the Cherokee Nation during the war? A When the war was going on; we left home the first year of the war.
Q You say you were taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A We went south, we didn't go south right away, we stayed about in the nation I don't know how long.
Q How far south did you go? A Went down into Texas.
Q Who went with you? A My master.
Q When did you come back from Texas to the Cherokee Nation? A We come back next year after peace was made.
Q Didyou come back with your mster? A I came backwith him as far as the river.
Q Which river? A The Arkansas.
Q You stopped there then did you, on the Arkansas? A Yes sir.
Q Over in the Nation? A Yes sir.
Q How have you been living in the Cherokee Nation ever since? A Yes sir.
Q Are you married now? A No sir.
Q How long since your husband was he or dead aunt Peggie? A I have not nary a one dead.
Q You have got no dead husband? A No sir.
Q You and your husband are not living together, that it? A No sir.
Q What did you say your mistress was, her name? A Henry Hicky.
Q He was a Cherokee? A He was a white man, my mistress was a Cherokee.
Q What was her name? A Rachel.

Examined by Cherokee Rep've Hastings:

Q You went south with Henry Hicky and Rachel Hicky? A No, my mistress was dead before we started south, we went with the old master and his children.
Q What was his children's names? A Mary and Georgie and Tommie and Margaret, she was done married, she wasn't with us, and Miss Nancy was done married.
Q What was Nancy's name? A Shaw.
Q Did she afterwards marry a McDaniel? A Yes sir.
Q How long did you stay in Texas? A I just can't tell you how long we stayed there.
Q You went to Sherman, Texas? A Yes sir, we moved all about, there was so many there- my master- we kept moving all around, we had some stock.
Q You stayed with him all the time? A Yes sir. I had to, the children was small.
Q You come backwith your master? A Yes sir.
Q Tom and George, were along? A Yes sir, Tom got misplaced some way, he come up to see me year before last; I told him he ought to give me a right, I kept the children, his mother died and I could have run off with them.
Q What children came back when you come? A Master turned back one day on account of his mules, there was two mules disabled and we turned back on account of them.
Q When you come back to the Cherokee Nation after the war who did you come back with? A I come back with my master, there was a great lot come back.
Q Henry Hicky was along you say? A Yes sir, but I couldn't say who all.
Q I am asking about the Hickey family, Hickey's children come back with him? A Yes sir, Miss Mary and George.
Q Did Tom come back with you? A He left Tom some place until he went backnext time.
Q Mr. Hickey sold you in Sherman, Texas, didn't he? A Never sold me he kept me working around all the time; he never did sell me.
Q Never did? A No sir, he never.
Q And you claim you come back with Mr. Hickey? A Yes sir, and if he was alive to-day he would come rightup and say he brought me back.
Q Are you certain what year you come back in? A I come back the next year after peace.
Q You don't know what year that is? A No sir, I don't, I ain't able to say.
Q You don't know whether it was spring or fall? A It was in the early spring.
Q Where did Mr. Hickey bring you to? A I come to the Nivens place.
Q Right there at Fort Gibson? A Yes sir.
Q Nivens place is right at the ferry there? A Yes sir, at the ferry.
Q The ferry between Fort Gibson and Muskogee? A Yessir.
Q How did you come, in a wagon? A We come in a wagon.
Q Did you come through Muskogee? A No sir, didn't come through Muskogee, we come in through Briggy and that would leave Muskogee to the left, going that way.
Q How long did you come before you went to Muskogee? A I never did go to Muskogee.
Q Where did you go to from the river? A I went up to Park Hill, Tahlequah.
Q How long did you stay at the river? Before you went to Park Hill?
A I stayed there until vegitables got most big enough to use, I planted a few things there with an old colored lady, she is dead now, I was in hopes she would be here, but they say she is dead.

Q You went the same spring or summer to Park Hill? A Yes sir.
Q Who did you live with up there? A I stayed with Ike Rogers, a colored man.
Q Where did you go then? A I come up here to hunt my mother, and them.
Q Where? A Up here on Verdigris, there at Moses.
Q You come up there? A Yes sir.
Q Did you come up there the same year you came back from Texas?
A Yes sir.
Q Did you stay up here then? A Yes sir.
Q Did you find your mother up here? A Yes sir.
Q What was her name? A Lila Ratley.
Q When did you see Tom Hickey ~~xx kxxx~~ after the war? A He was up here to see me spring before last.
Q Was that the first time you saw your young master? A That's the first time I saw him.
Q After the war? A Yes sir, George wad dead, died in Fort Smith.

L.D.DANIELS, being sworn and examined by Commissioner Needles, testified as follows:

Q Your name is L.D.Daniels? A Yes sir.
Q Your age is 56? A 56.
Q Post-office Clarmore? A Yes sir.
Q You are a Cherokee Freedman? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q Peggie Hickey? A Yes sir.
Q How long have you known her? A I knew her before the war and since.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A She belonged to Hickey, I don't know whether it was Beany or the old man, or Henry.
Q Was she taken out of the Cherokee nation during the war? A I don't know that Judge, whether she was or not.
Q Where did you first see her here after the war? A In Ft. Gibson.
Q In what year? A That was in '66. Must have been about the fall, I think it was September or October.
Q You don't know where she was during the war? A No sir, I don't.
Q Has she lived in the Cherokee nation, to your knowledge, since '66? A Well, she left Gibson and went up to Tahlequah and I didn't see her any more until about '77 I believe it was, she was living over here to Lightning Creek, in Cowweescoowee District.
Q You don't know after '66 whether she went out of the Territory or not then? A No, I didn't see her; I seen her to Tahlequah once before she left Tahlequah, and then I didn't see her any more until I moved up in this Cowweescoowee.
Q How did you happen to see her in '66? A I was acquainted with her before the war, and I was right there in Fort Gibson.

Examined by Cherokee Rep've W.W.Hastings:

Q How far did you live from her before the war? A We lived right in Fort Gibson.
Q She lived there? A Yes sir, and old man Hickey.
Q Old man Henry Hickey? A No sir, he had a son named Beany and a son named Henry.
Q You don't know which one she belonged to? A No sir. She might have belonged to the girl.
Q You don't know whether she come backwith him or not? A No sir.

EDMOND VANN, being sworn and examined by Commissioner Needles, testified as follows:

Peggie Hickey 4

Q What is your name? A Edmund Vann.
Q What is your age? A 58.
Q What is your post-office address? A Lenapah.
Q You know the applicant, Peggie Hickey? A Yes sir.
Q Did you know her before the war, between the North and South?
A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Mr. Hickey.
Q You know where she went during the war? A No sir, I don't know; when they went south, they went south but I don't know when they went.
Q When was the first time you saw her after the war? A In Gibson.
Q What year? A 66.
Q You recognized her? A Yes sir.
Q You had known her before? A Yes sir.
Q You don't know where she has lived since '66? A Well I didn't see her after that until I saw her on Lightning Creek; I thought she was dead until I saw here there on Lightning Creek.
Q About how long ago? A That must have been in 1880 I guess.
Q Is your name on the roll of 1880 A Yes sir.

Examined by W.W.Hastings:

Q Where were you living in '66? A I was living there in Gibson.
All that year? A No; I didn't live there all the year, I lived there awhile and then at the old Polly Vann place.
Q You are certain you saw this woman in '66? A Yes sir.
Q You are willing to swear that? A I have done swore it.
Q You are positive as to that? A Yes sir.
Q Any particular circumstances that make you remember it? A Yes sir
Q What? A Way the Lord, that tells me not to swear. He.
Q Anything make you remember it was '66 and not '67? A Yes sir.
Q There was lots of colored people in '66 there? A Yes sir.
Q And in '68? A Yes sir.
Q Now do you remember particularly and positively that that was '66 and not '7 or '68? A I came in '65 and the next was '66, as I understand '66.
Q Why do you remember it was one year and not two or three that you saw her there? A Well, it's '66. That's what keeps it in my mind.
Q You know the years do you? A Yes sir, I know I have a year.
Q Did you know the years then? A Yes sir.
Q You know '66 from '68? ADo you? A Yes sir.
Q Do you know she was there in '66? A Yes sir, I know it.
Q You don't know who she came with? A No sir.
Q You don't know how she went there? A No sir, I don't know that.
Q

Com'r Needles: Peggie Hickey applies for the enrollment herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is fully identified upon the Verna-Clifton and the Wallace roll; she avers that she was a slave of Rachael Hickey; who was taken south during the war; and she avers that she returned in '66 and has been a resident in the Cherokee nation since that time; by reason of the fact that her name is not upon the authenticated roll of 1880, although she is identified and made satisfactory proof as to residence, she will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be duly notified when the Commission arrives at a decision,- by mail.

---oOo---

Peggie Hickey 5

M.D.Green, being first duly sworn, states that I am stenographer to the Commission to the Five Civilized Tribes and correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 12, 1901.

Commissioner.

B. Fr. 5-98

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 7 - 1901

Post Office Ardmore, I.T.

District COOWESCOOWEE.

1. Name [illegible] Age

Owner's name [illegible] Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife Craig Nicky Age 20

Owner's name [illegible] Citizenship

Year 1900 Page 104 No. 9593 District Coo

Parents:

Father Citizenship

Mother Citizenship

Names of Children: [illegible]

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer M. L. Dunn

On K. C. Roll P. O. Craig Nicky

On Dallas Roll P. O. Craig Nicky

Coo Nation.

Represented by Mitchell Smith

C. F. L. 19

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 7th, 1901, in the matter of the application of Peggy Hickey for the enrollment of herself as a Freedwoman of the Cherokee Nation.

Attorney for Applicant.

Cherokee F. #D598.

8

PD 598

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of ..... 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

COMMISSION TO ...

FT ...

SEP ... 1901

NOTICE!

IN THE MATTER OF The application of Peggie Hicks for enrollment as a Cherokee Freedman:

Case No. F. D. 598

To Peggie Hicks or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on the following dates, to-wit: Sept. 24th [illegible] o'clo[illegible] A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPA[illegible] OF THE INTERIOR,
COMMISSION T[illegible] FIVE CIVILIZED TRIBES.

FILED
5 1901

ACTING CHAIRMAN.

Supl.C.F.-D.#598.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Peggy Hickey as a Cherokee freedmen, introduced on part of the Cherokee Nation.

APPEARANCES:
Mr. Smith, of Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

THOMAS HICKEY, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Thomas Hickey.
Q What is your age, Mr. Hickey? A 48.
Q What is your post office? A W agoner.
Q What was your father's name? A Henry.
Q What was your mother's name? A Rachel.
Q Did you have any brothers and sisters? A Yes.
Q Did you have a sister? A Yes, sir, I had three sisters.
Q Name them? A Na, Margret and Mary.
Q Did your father own a colored woman before the war by the name of Peggy? A Yes, sir:
Q What became of Peggiy? A Father sold her in Texas while we was living at Tishimingo during the war; in '64 as well as I can recollect.
Q Do you remember to whom he sold her? A No, I think the man was named Baker, I ain't positive for he lived at Preston in Grayson County, Texas.
Q When did you return to the Cherokee Nation after the war?
A In '67.
Q What time in '67? A About November I think it was in the fall, late.
Q Who come back with you? A Brother Beney, and sister Nan and his family.
Q Where was your father at that time? A We left him in Russ County, in Texas.
Q How long after you came back until your father came? A The next spring sometime along in the spring.
Q Spring of '68? A Yes, sir.
Q Where were you when your father reached here? A I was at John West's on Canadian, brother-in-law.
Q Did your father come by there? A No, sir.
Q When did you first see your father? A It must have been something like nine months after we left Texas, maybe a little longer.
Q you don't know then of your own knowledge whether your father brought her back or not? A No, sir.
Q But your father came back here in the spring of 1868? A Yes, sir.

MR SMITH: What did you say your name was? A Thomas Hickey.
Q How old are you? A 48 years old, 15th of this month.
Q When was it you saw your father sold Peggie? A I say it was in '64. Wde was living at Tishimingo in the Chickasaw Nation.
Q How old were you then? A About 11 years old.
Q How did you know? A He told me, told me he taken her off.
Q Now, when did he tell you that? A It was general talk of the family there.
Q During what year? A '64.
Q What time? A I could not tell you what part of the year it was
Q Latter part of '64? A To be certain about it, it was sometime during that year.
Q Well, now, Mr. Hickey, you don't know anything about it except what your father told you; you never saw him sell her? A I saw

him take her away from home.
Q Now, Mr. Hickey, Peggy Hickey was a slave of your father, wasn't she? A Yes, sir.
Q He was a Cherokee Indian wasn't he? A No, sir, he was a White man.
Q well, he was adoppted citizen of the Cherokee Nation?
A Yes, sir.
Q Your mother was a citizen of the Cherokee Nation? A Yes, sir.
Q And this woman Peggie blonged to your family? A Yes, sir.
Q When the war came up your father took her awa from here?
A Yes, sir.
Q And he kept her in his family until '64? A Yes, sir.
Q And then you think he sold her? A That is my statement.
Q That was not from your personal knowledt e, I am asking you now, Mr. Hickey? A It was the general talk of the family.
Q I am not asking you the general talk of the family, I am asking you if you know it? A I could say I did.
Q Did you see her sold? A No, sir.
Q You could not say that you know it ? A If you want me to state it positively; father told Peggy--I told that in my statement; he could get $1500 in gold for her if she would go and it will not be longer until you will be free and he says if you want to go, I mifht take you off, I need the month, that was the talk of the family and I recollect it.
Q well, at that time he didn't have any ri ght to seel her?
Mr. Hastings: That is a legal question.
Commissioner: That is a legal question.
Q Your father did say that he needed the $1500 and if she would go with him to Texas that would enable him to get it?
A Yes, sir.
Q Now, you don't know where your father came back here first after the war? A It was in '68, to the best of my knowledge, it was six or eight months after we came back.
Q What is the best of your knowledge? A Yes, sir.
Q You can't state positi vely whether it was '68 or not?
A That is the bestof my recollection.
Q You don't know whether he was back here in 1866 or not?
A We was all in Russ county together.
Q When did you come back? A We come back in November, I think i t was in, of '67; and come back with my sister, Mrs. McDonald at Muslkogee and my brother that died day after I got back.
Q How old were you then? A '67, I was about 14 years old, right at it.
Q Well, during the time you were living in Texas did your father write home all the time? A Yes, sir, he farmed there.
Q Did he go away from there at all? A He went to Shreveport ot market his cotton.
Q How long would he stay away when he would go to Shreveport?
A Not but j st a few days.
Q well, you could not state of your own knowledge that he did not come to the Indian Territory at a ny time before you came when he wa away from home, you didn't know where he was? A He would not have time to come back here from there.
Q well, how long was the longerst time he was away from home?
A I could not make a definite statement and be posi tive, I don't suppose he was ever away from home over ten days, it didn't take ten days to go to Shreveport and back.
Q He was away from home you say I believe ten days?
A Well, I would suppose so.
Q You don't know of your own personal knowledge definitely whether he came here or not, do you? A I could not state as to that.
MR. HASTINGS; You never heard your father say that he ever come up here, did you? A No, sir.
Mr. Smith: I object to that.

Witness: If he come back ~~x xx~~ home we would have knowledge of it, that would have been the talk of the family.

Commission. This testimony will be fi led with the case of peggy Hickey, Cherokee freedman, D.#598.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenog - rapher to the Commission to the Five Civilized Tribes he c rrectly recorded the testimo ny and proceedings in t his case, and that the foregoing is a true and complete transcript of h is stenographi c notes ther eof.

J. O. Rosson

Subscribed and sworn to before me this October 2d, 1901.

Commissioner.

COMMISSION TO PRESERVE CIVILIZED LIFE
FILED
AUG 1 1902
ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Peggy Hiskey, D 598;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 598.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Peggy Hickey for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 7, 1901, Peggy Hickey appeared before the Commission at Chelsea, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 24, 1901 and at Muskogee, Indian Territory, May 31, 1902.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during the rebellion and returned to the Cherokee Nation prior to January 19, 1867.

The evidence further shows that the said Peggy Hickey has continuously resided in the Cherokee Nation since her return thereto after the rebellion, as above mentioned.

It is, therefore, the opinion of this Commission that the said Peggy Hickey should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt

Commissioner.

W E Kenney

Commissioner.

Muskogee, Indian Territory,

this JAN 2 1904

JAN 20 1904

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. January 18th 1904.

Cherokee F. D. # 598.

In the matter of the application for the enrollment of Peggie Hickey as a Cherokee Freedman.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation, by its attorneys, and protests against the decision rendered in this case and asks that same be forwarded t e the Honorable Secretary of the Interior for Review.

Our reasons for protesting against this decision is that the applicant in this case is show n by her testimony to have been a slave of Henry Hickey who we nt South to the State of Texas during the War of the rebellion and she claims that she returned to the Cherokee nation with Henry Hickey, her old master.

The proof shows, by Thomas Hickey a son of Henry Hickey, that his father sold the applicant to a man by the name of B------ living in the state of Texas in 1864 and that the said Henry Hickey moved to Rusk county Texas and remained there until 1868 before he returned to the Cherokee nation.

The burden of proof, under the law, is upon the applicant and she has failed to prove that she established a residence in the Cherokee nation or returned there within the time prescribed by the treaty. We have shown that she did not return as she contends.

The Commission to the Five Civilized Tribes in arriving at its decision in this case seems to have entirely overlooked the testimony of Thomas Hickey, the son of Henry Hickey, who was in a position to know the facts and who states positively that his father who applicant claims was her former owner and master did not return to the Cherokee nation until 1868.

We respectfully submit that the deicision of the Commission should be reversed and the application of Peggie Hickey denied.

Respectfully,

J. S. D--J. C. S.

Attorneys for the Cherokee Nation.

AP 578

FILED
1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 898.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PEGGY HICKEY as a Cherokee freedman.

It appears that on May 7, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory at nine o'clock A. M. on June 15, 1904, and introduce further testimony touching upon the points mentioned in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorneys, W. W. Hastings and James S. Davenport.

PEGGY HICKEY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Peggy Hickey.
Q How old are you, Peggy? A I don't know, sir, just exactly.
Q About how old? A About 60 somewhere along there, 50 or something.
Q What is your postoffice address? A Hayden.
Q What district do you live in? A Coowescoowee.
Q You were the slave of a Cherokee citizen at the beginning of the war? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where? A Choctaw Nation and from there to Texas. We left and went across the Verdigris and Cherokee Nation and to Texas.
Q When did you come back to the Cherokee Nation first? A '66.
Q What time in '66? A I don't remember exactly what time in '66.
Q Who did you come back with? A My boss.
Q What was his name? A Henry Hickey.
Q Where did you come to? A To Arkansas.
Q When did you come back to the Cherokee Nation after the war?
A In '66.
Q To what point in the Cherokee Nation did you return? A By old Gibson.
Q You mean on the Arkansas River? A Yes, sir.
Q You come back with whom? A My master.
Q Was there anybody else along? A Two of his children.
Q How long did you stay at Fort Gibson? A A little while and then went to Tahlequah; don't know just exactly how long I did stay, and then went to Tahlequah.
Q You stayed at Gibson until in the Spring? A Yes, sir, and then went to Tahlequah.
Q And how long did you stay there? A I stayed there until along in the summer and left there and went up on the Verdigris.
Q To what point on the Verdigris did you move? A Allowe.
Q How long did you stay there? A Been there ever since.
Q You have been living in the Cherokee Nation since you returned in 1866 with your master? A Yes, sir.
Q Never been out? A No, sir.

Peggy Hickey, 2.

By Mr. Davenport:
Q You came back to the Cherokee Nation in 1866? A Yes, sir.
Q You came back to the Cherokee Nation with Henry Hickey who had been your former owner, didn't you? A Yes, sir.
Q I will ask you if it isn't a fact that Henry Hickey didn't come back until 1868? A No, sir.
Q Do you know his son, Thomas Hickey? A Yes, sir.
Q You were sold by Henry Hickey to a man living in Rusk County, Texas, during the war, weren't you? A If I was sold I didn't know it.
Q You were taken away by the man, weren't you? A Yes, sir.
Q You were free when the war closed? A Yes, sir.
Q Well, you didn't come back to the Cherokee Nation until Henry Hickey come, did you? A I come when he come.
Q Then the year that he came is the year that you returned to the Cherokee Nation? A Yes, sir.
Q Did all his family come back with he and you? A A girl and a boy.
Q Do you know their names? A George and Mary.

THOMAS HICKEY, being first duly sworn, testified as follows:

By the Commissioner:
Q What is your name? A Thomas Hickey.
Q How old areyou? A 50 years old September, last.
Q What is your postoffice address? A Wagoner.
Q Are you a recognized Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know the applicant in this case, Peggy Hickey? A I do.
Q How long have you known her? A Ever since I could recollect.
Q Do you know who she belonged to before the war? A Mother.
Q Your mother? A Yes, sir.
Q Do you know whether or not Peggy Hickey was taken out of the Cherokee Nation during the war? A She went with us to the Chickasaw Nation, and from there she was taken to Sherman.
Q Sherman, Texas? A Yes, sir.
Q Do you know what time she returned to the Cherokee Nation after the war? A No, sir, I don't know.
Q When did you return? A In '67 as well as I can recollect, about November.
Q Who come back at the time you returned? A Sister Nan, brother Beany and his wife.
Q What was the name of your father? A Henry Hickey.
Q Do you know when he returned to the Cherokee Nation after the war?--A for the first time? A No, I don't recollect. There is a vague recollection that he come before we did, but as to the exact time I can't state; that is something that has entirley escaped my memory.
Q Do you recollect for certain any time that he did return? A Yes, sir, they come and then went back?
Q When? A I can't state; it was before I come in '67.
Q On that trip who come with him, if you know? A I don't know.
Q You don't know whether Peggy Hickey came with him at that time or not? A No, sir.
Q When you come back to the Cherokee Nation in 1867 did you continue to live here then? A Lived at Fort Gibson nearly all the time until after I was grown .
Q And you have ever since been a resident of the Cherokee Nation? A I was on the Police force in the Choctaw Nation in 1881 and 1882.
Q When was the first time after the war that you saw this applicant in the Cherokee Nation? A Four years ago.

Q Where was she living? A There right across the creek near Hayden, in Cooweescoowee district.
Q Then you don't know anything of your own knowledge as to the date of her return to the Cherokee Nation after the war? A No, sir.

By Mr. Davenport:
Q Your father took Peggy Hickey south during the war, didn't he?
A Yes, sir.
Q To what point? A We first went to Carriage Bend and from there to Tishomingo.
Q When was it your father sold Peggy? A It was while we were at Tishomingo.
Q About what year? A Between 63 and '64, as well as I can recollect.
Q What became of her? A I don't know.
Q Did she remain at your father's place? A No, sir.
Q Do you know where the party lived that bought her? A No, sir.
Q Do you know whether or not he claimed to live in Texas? A Yes, thats what I understood.
Q Do you know what county he claimed to live in? A About Denison.
Q To refresh your memory, from your testimony given on the 24th of September, 1901, in answer to the following question, "Do you remember to whom he sold her?" A. "No, I think the man was named Baker, I ain't positive for he lived at Preston in Grayson County, Texas," is that correct? A Yes, sir.
Q At the close of the war were you living in your father's family?
A Yes, we were living in Rusk County, Texas.
Q Was Peggy living with your father then? A No, sir.
Q Where did you leave your father when you started back to the Cherokee Nation after the close of the war? A He came with us to Smith County and then went back.
Q That was in what year that you came back to the Cherokee Nation?
A 1867, as well as I remember.
Q When after that time, if you know, did your father come to the Cherokee Nation? A He went back and took care of the crop and never got back to where we lived until the next summer; we were living over here where Bill Brewer lives.
Q After you came back you continued to reside in and near Fort Gibson? A Yes, sir.
Q And when you first learned of your father's return was Peggy with your father, if you remember? A She wasn't there that trip at all. We lived there at that place until the next fall and I went and stayed with sister Margaret maybe two years before we went to Gibson again.
--after
Q When did you first learn of your father's return as to Peggy's return? A I couldn't answer.
Q Was it one year or ten years? A It must have been longer than that.
Q You were old enough to remember distinctly as to your return?
A Some points of that and some of it has passed completely.
Q When did you first see her in the Cherokee Nation? A Four years ago in September.
Q Where? A At her home, I called to her house.
Q You had never seen her at your father's place and around his place after his return? A No, sir.

NANCY McDANIEL, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Nancy McDaniel.
Q How old are you? A 70 years old.
Q What is your postoffice address? A Muskogee.

Q Are you a recognized Cherokee citizen? A Yes, sir.
Q Do you know the applicant, Peggy Hickey? A Yes, sir, known her ever since she was a child.
Q Do you know whether or not she was the slave of a Cherokee citizen before the war? A Yes, sir, my mother bought her from a full-blood Indian when she was about 14 or 15 years old.
Q Do you know whether or not Peggy Hickey went out of the Cherokee Nation during the war? A She went with all of us when we went to first one place and then another and then went to Tishomingo.
Q What was your father's name? A Hickey.
Q Henry Hickey? A Yes, sir.
Q Your mother's name? A Rachel Hickey.
Q And this applicant went with you and your father and mother? A Went with all of us.
Q To the Choctaw Nation? A Yes, sir, she taken care of those two little boys; Tom there and Brother George and she---
Q Do you know what year that was? A I went south about--I don't know; it was about '63, I reckon, I don't remember.
Q You went with the family? A No, Pa went ahead of me, but I went to them at Carriage Bend, and then went with them to Tishomingo.
Q And this applicant went with your father? A Yes, sir.
Q Did she continue to live with your father and his family until the close of the war? A No, sir, he taken her off when we was living at Tishomingo; took her to Texas.
Q Do you know what became of her? A No, sir, I never saw her any more until yesterday; I have heard of her.
Q Have you any knowledge as to the date of her return to the Cherokee Nation after the war? A No, sir, only what she tells me.
Q When did your father return to the Cherokee Nation? A He made a trip out here in 1866, and then went back, and I never come until 1867.
Q At the time he made this trip in 1866, he left you and the rest of the family south? A Yes, sir, in Rusk County.
Q And do you know, if anybody, came with him in 1866? A Yes, borther Beany come and sister Mary and brother George, the youngest boy and youngest girl. Brother Beany went back for his family, and I come back with him and brought---
Q Those children that came with your father in 1866, are they living now? A No, sir, they are both dead.
Q You never heard anything as to whether or not this applicant came back with your father? A I heard of her a long time ago, but I don't know the time; they say she was up in Cooweescoowee.
Q You had never seen her until yesterday? A Yesterday she came to see me. It has been about eight years ago I saw some colored people from up there and Peggy sent me word she was coming to see me and I heard of her before that a good while.
Q Do you know whether or not your father sold Peggy? A No, sir, I don't know a thing about that; Pa never did tell me nothing about it, for I never ask. I saw them ride off and that was the last time.

By Mr. Davenport:
Q Mrs. McDaniels, where were you living with reference to where your father lived when you started back to the Cherokee Nation?
A Living in Rusk County.
Q When he came back on his first trip where were you living? A Right there.
Q Who of the slaves, if any, started from that place with him to the Cherokee Nation? A Didn't have none then.
Q How long prior to the time he started had Peggy been living with the family or had you seen Peggy? A We had been living down there, I don't know, must have been about '64 when he went off with her; maybe it was '63.

Q I will ask you if you had seen Peggy around your father's from the time he took her away with that man until you came back to the Cherokee Nation? A No, sir.
Q Had you heard your father say anything about her? A No, sir.
Q Your father came back to the home place? A Yes, sir.
Q Did he say anything about bringing any of the slaves? A Never said a word about it. He brought the children.
Q Where did he leave them? A He left George with my sister, Mrs. West, and left sister Mary at Uncle Dick Fields; he was living close.
Q You came into what neighborhood when you came to the Cherokee Nation? A Gibson.
Q In what year? A '67, a mile or two from Gibson, and then moved to town.
Q And you didn't hear anything of Peggy until eight years ago?
A Long before that, but that---
Q How long had you been back until you heard of Peggy? A I don't know, one or more years; more than that; I don't think I heard of her until----
Q Along in 1867 a great number of colored people lived in Gibson didn't there? A Yes, sir.
Q Your father did send Peggy away from hom while living in Texas whether he sold her or not? A He taken her away while we lived in Tishomingo.
Q Was anybody with your father? A No, sir.
Q You don't remember the man your brother Tom speaks of? A No, sir.
Q You know that after that time, after Peggy was taken away, your father moved to Rusk County, Texas, and went to farming? A Yes, sir.
Q And Peggy wasn't there so far as you know? A No, sir.

PEGGY HICKEY, recalled:

By the Commission:
Q When you went south with your owner during the war who was in that party? A Was with us?
Q Yes. A Me and I couldn't tell who all was along, so many.
Q Was all of your owner's family along? A No, sir. They was scattered.
Q To what point did you go? A We went across the Arkansas and stayed through the summer, and then to the Creek Nation and then to Tishomingo and wintered.
Q Did your owner sell you to another person while at Tishomingo?
A If I was sold I didn't know it. I would be hired out, but if I was sold I didn't know it. I never was told.
Q Were you hired out during the time of that stay at Tishomingo?
A No, I wasn't hired out there.
Q Were you with your owner during all the time of that stop at Tishomingo? A Yes, sir, I was right there with him.
Q When were you first hired out after you went south? A It was quite a while.
Q Where was your owner stopping at that time? A I disremember where we was stopping.
Q To whom were you hired? A I forget his name.
Q Where did he live? A Near Rusk County, somewhere.
Q Texas? A Yes, sir, and they kept me hired out all the while.
Q Were you hired out at the time that your owner returned to tne Cherokee Nation after the war? A He took me away.
Q Were you living with him when he started or were you hired? A I was hired out, but he come and took me away when he got ready to start back.
Q How far from where you were living was he living at that time?
A A short distance.

Q Did you go there? A Of a Sunday I would.
Q When he come and got you to come back to the Cherokee Nation, as you say, who else was with him? A None but his children was with him and another Creek woman that stayed there.
Q Which ones of his children? A They are dead, George and Mary.
Q George and Mary? A Yes.

By Mr. Davenport:
Q Do I understand you to say that while you were hired out in Texas, you lived close enough to go back and forth to Henry Hickey's?
A Yes, sir.
Q Did you see Mrs. McDaniel? A They left her behind when we went.
Q Didn't she live with her father in Rusk County, Texas? for a year or two after the war? A They kept me hired out and if I was sold I didn't know it.
Q You didn't live with Henry Hickey from the years 1863 or '4 until 1868, if at all after the war, did you? A We were taken around so, I can't hardly remember it.
Q Who were you hired to? A I disremember.
Q Was his name Baker? A No, sir.
Q Do you know anything about the postoffice where they got their mail? A No, sir.
Q Wasn't it preskton? A I don't think it was.
Q It was in Grayson County, Texas, just below Sherman, wasn't it?
A Yes, sir.
Q Henry Hickey lived in Rusk County, Texas, didn't he? A Yes, sir.
Q Where did Henry Hickey bring you when you say you came back?
A Here to Arkansas, Arkansas River.
Q Did you have any family other than your own children? A No, sir.
Q Who did you live with after you came back? A With an old colored lady.
Q What was her name? A Old Aunt Cynthia.
Q Then where did you go? A To Tahlequah.
Q Who did you live with there? A Just stayed about with first one and then another.
Q What were any of their names? A Jennie, called Sunday sometimes.
Q Is she living? A No, sir, she is dead.
Q Who else did you stay with? A The Ross darkies.
Q Which one? A Edmond Ross; he is dead.
Q Stick isn't dead, is he? A He is living.
Q He knew you did he? A Yes, sir.
Q Then where did you go? A Upon the Verdigris to my mother.
Q Who was your mother? A Lila Ratcliff.
Q When did she move on the Verdigris? A In '66.
Q She didn't go south? A She went north.
Q You didn't know anything about where she went? A No, sir.
Q What time did you get upon the Verdigris River? A The same year we come from the south, the summer of that year.
Q The summer of '67? A No, sir, '66.
Q In the summer, you say? A Yes, sir.
Q Hot weather? A Yes, sir.
Q Was it crop time or before? A Crop time, kindly in the fall like.
Q You went to live with your mother? A Yes, sir.
Q Never did look up your former owner? A No, sir.
Q Never did have any one of them testify for you before as to your citizenship? A No, sir, I had no way to go to them.
Q You knew that Mrs. McDaniel was living and Tom Hickey was living?
A Yes, sir.
Q You can't think who you were living with in Texas? A I disremember.
Q You lived with him two or three years, didn't you? A No, sir.

Q How long? A I don't know.
Q What did your former owner do in Texas? A He would work around n and haul.
Q Didn't he farm? A Yes, sir.
Q Did he have any other slaves with him? A No, sir.
Q You were the only slave?he had, and he kept you hired out? A Yes, sir, after we left home.
Q He was farming in Texas? A Yes, sir.
Q And you were not on the farm he farmed? A No, sir.

MRS. McDANIEL, recalled:

By the Commission:
Q Were you living with your father and the rest of the family in Rusk County, Texas, during the war? A Yes.
Q You went to Rusk County with him? A Yes, sir.
Q And you lived there with your father all the time that he was in Rusk County, Texas? A Yes, sir, I went to them; they went before I did.
Q How long after they got there until you came? A It must have been a year, I reckon, it must have been.
Q After you got there, do you remember ever to have seen this applicant, Peggy Hickey, around the place on Sundays? A No, sir.
Q You never heard of her being in that neighborhood? A No, sir, pa never did say anything about it.
Q If she ever came there while you were living in Rusk County, you didn't see her or didn't know anything about it? A No, sir.

By Mr. Davenport:
Q Did your father own any other slaves? A Yes, sir, a brother of hers; no, sir a cousin.
Q Was he with him? A No, sir, he sold him about the time the war come up; all of them at the same time.
Q Did you ever hear your father say anything about Peggy Hickey being hired out? A No, sir.
Q What was the understanding among the family when Peggy was taken away? A Some said he was going to take her off and sell her; he never said anything about it.
Q Did your father die shortly after the war? A No, sir, he lived a good while after the war; he died at Fort Smith, he and my youngest brother.
Q You never heard him say anything about hiring Peggy out? A No, sir.
Q Did you ever hear him say anything about bringing her back to the Cherokee Nation or having her hired out? A No, sir, he never did say anything to me about it.

THOMAS HICKEY recalled:

By the Commission:
Q Mr? Hickey, did you go to Rusk County, Texas, during the war?
A Yes, sir.
Q You went when your father first went? A Yes, sir.
Q Was Peggy Hickey with you at that time? A No, sir, she left us at Tishomingo.
Q Were you living in Rusk County, Texas, all the time he was there, with your father? A Yes, sir.
Q Did you ever see Peggy Hickey about the place on Sunday? A She was never at our house while we lived in Rusk County.
Q You never saw her any more after she left Tishomingo? A No, sir.
Q Do you know where the man lived to whom you say she was sold?
A There at Preston, on Red River.
Q How far was that from the place you lived in Rusk County? A 100 miles, I guess.

By Mr. Davenport:
Q It was always understood that your father sold her? A Yes, sir.
Q After your father came back to the Cherokee Nation, you didn't live with him, did you? A Yes, sir.
Q Did your father ever say anything about bringing Peggy back with him? A No, sir, I never heard him mention it.
Q You moved back permanently before your father came back? A Yes, sir, he went back to take care of the crop.
Q He farmed in Rusk County, Texas? A Yes, sir.
Q Rusk County, Texas, is quite a distance from Grayson, County, Texas, isn't it? A Yes, sir, 100 miles or more.
Q If Peggy had visited you of Sundays you would have known it, wouldn't you? A Yes, sir.
Q Can you state positively whether or not she ever came there to your knowledge? A Not to my knowledge; if she did I don't recollect it.
Q She never did live with or visit any of your people after they came back to the Cherokee Nation? A Yesterday was the first time we have all been together 42 or '3 years.

(Continued until June 16, 1904)

June 16, 1904, the applicant appearing person and by attorney, R. W. Blue, and the Cherokee Nation appearing by attorney, L. B. Bell, the following testimony was introduced:

BETSY WHITMIRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Betsy Whitmire.
Q How old are you? A I guess I am about 59 years old.
Q What is your present postoffice address? A Hayden.
Q You are an applicant for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Peggy Hickey? A Yes, sir.
Q When did you first get acquainted with her? A I knowed her before the war; I have always knowed her.
Q You knew her when she was a girl? A Yes, sir.
Q Was she a slave of a Cherokee citizen before the war? A Yes, sir
Q Did she go out of the Cherokee Nation during the war? A Yes, sir, some time of the war, I don't know.
Q You say she went out of the Cherokee Nation during the war? A Yes, sir, I don't know where, but she went out.
Q Do ypu know when she came back to the Cherokee Nation after the war? A I couldn't tell you when she got back.
Q When did you get back? A In '66.
Q What time in '66? A In the fall.
Q Where and when did you first see this applicant in the Cherokee Nation after the war? A I saw her at Tahlequah.
Q When was that? A In '66, in the fall.
Q In the fall of '66? A Yes, sir.
Q Was she living there? A No, sir, she wasn't living there; she was there hunting her people and kin folks.
Q Do you know how long she stayed there? A She didn't stay very long, two or three weeks.
Q Where did she went if you know? A She went to Verdigris, where her mother was.
Q Verdigris River? A Yes, sir.
Q Up in the Northern part of the Cherokee Nation? A Yes, sir, close to Coody's Bluff.
Q Do you know how long she stayed there? A Been there all the time.
Q Ever since that? A Yes, sir.

By Mr. Blue:
Q You say you first saw her after the close of the war at Tahlequah?
A Yes, sir.
Q And that was what time? A Along the first of the fall some----
Q Of what year? A '66.
Q You mean by that 1866? A Yes, sir.
Q Now since that time where has she resided, if you know? A On Verdigris, right where she is living now; she has been there ever since.
Q In what Territory is that? A Cherokee Nation.
Q Indian Territory? A Yes, sir.
Q Has she ever resided outside of the Indian Territory at any place or any time since you met her in 1866? A No, sir, she has been right there, right on the place where she lives.

By Mr. Bell:
Q What did you say your name is? A Betsy Whitmire.
Q Now what month was it in the fall when you saw her at Tahlequah?
A About the first of November or last of October, somewhere along there.
Q What were you doing there? A I went there to see my mother.
Q You were just there on a visit, yourself? A I come home; that was my home, my mother lived there.
Q You come into the country and come to Tahlequah to live? A Yes, sir.
Q Where did you go to during the war, north or south? A Went north.
Q When did you return? A In '66.
Q About what month? A Somewhere along about the last of October or first of November.
Q You and the applicant come there together? A No, sir, no, I didn't come with her, I saw her over at my mother's.
Q She was there? A Yes, sir, she was there working around and I come home and saw she was there when I come home.
Q Were you married at the time? A I wasn't married then.
Q Did you have a husband with you? A No, sir.
Q Who come with you? A My uncle.
Q Uncle who? A Ben Sanders.
Q Old man Ben Sanders that lived there? A Yes, sir.
Q You come there about the first of November or the last of October? A Yes, sir, I don't remember just the time.
Q Anybody else with you besides Ben Sanders? A Yes, sir, a good many, my uncle Simon Sanders and several more.
Q Quite a colony of you? A Yes, sir.
Q Where did you come from? A From Lawrence, Kansas.
Q Started from there and come direct? A Yes, sir.

By the Commission:
Q When you applied to the Commission for the enrollment of yourself with what members of your family were you enrolled, do you remember?
A Peggy, Jim, Jennie, Josie, Millie, Aaron, Alex, Mary Ellen--
Q You didn't apply for all those, did you? A I applied for six.
Q Give the names of those under age when you applied for yourself?
A Alex, Ruth, Mary Ellen.
Q What is the name of your husband? A Lewis Whitmire.
Q Your postoffice address? A Hayden.

It appears from the Commission's records that this witness, together with her husband and three minor children, have been listed for enrollment on straight Cherokee Freedmen card No. 879; that their her name appears upon the 1880 authenticated roll of the Cherokee Nation, Cooweescoowee District, No. 2152, and that her name is on the final roll of Cherokee Freedmen, approved by the Secretary of the Interior, opposite No. 2117.

Peggy Hickey, 10.

By Mr. Blue:
Q About when did you leave Lawrence to return to the Territory?
A I left there along in September.
Q Of what year? A '66.
Q To what point in the Territory did you come? A I come to Tahlequah.
Q Had you remained at Tahlequah from the time you arrived until you met Peggy Hickey? A Yes, sir, I met her there; she was there when I come.
Q You met her first at your mother's? A Yes, sir, she was staying at my mother's.

By Mr. Bell:
Q What was the name of Peggy Hickey's mother? A Rachel Hickey.
Q How old is Peggy now? A I don't know just how old she is.
Q Is she as old as you or older? A Maybe a little older.
Q Along about your age? A Yes, sir.
Q You say she located there near Coody's Bluff? A Yes, sir, and has been there ever since.
Q How far do you live from her? A About a mile.
Q Her mother didn't come back with her, did she? A No, sir.
Q Was her mother alive when the war quit? A Yes, sir, she just died not long ago.
Q Where did she live? A Right there with her.

By Mr. Blue:
Q Did you learn when you met her at Tahlequah in 1866, for what purpose she was there? A She was looking for her people, her mother and cousins and kin folks she said; that is what she told me.
Q Did you see her soon after that time again? A I have seen her ever since.
Q You mean by that that you have met her frequently since then?
A I have lived right by her, yes, sir.
Q Do you know anything about whether she found her kin people?
A Yes, sir.
Q How soon after you met her at Tahlequah did she discover her people? A She found them when she went to Fort Gibson in December; her mother was there.
Q In what year? A '66.

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 25th day of June, 1904.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, July 8 1904.

Received of the Commission to the Five Civilized Tribes, one copy of the testimony in the matter of the application for the enrollment of Peggy Hickey as Cherokee freedmen.

R. D. Blue & S. S. Clover
Attorney for applicant.

Cherokee Freedman-D-598.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrolment of Peggy Hickey as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that Peggy Hickey appeared before the Commission, at Chelsea, Indian Territory, on June 7, 1901 and made application for her enrollment as a Cherokee Freedman.

It appears from the record herein that on January 2, 1904 the Commission rendered a decision in the matter of the above application, in which the applicant was granted the right to enrollment as a Cherokee Freedman. Said decision of the Commission, having been protested by the representatives of the Cherokee Nation, was forwarded to the Department, and, as is shown by Departmental letter of April 26, 1904, was remanded to the Commission for further investigation. Further proceedings were had in this case at Muskogee, Indian Territory on June 15 and 16, 1904.

The evidence herein shows that the applicant, Peggy Hickey, was the slave of a Cherokee citizen at the beginning of the war of the Rebellion; that during said war she was taken out of the Cherokee Nation into the state of Texas, but returned thereto within the time specified by the Decree of the Court of Claims, rendered on February 3, 1896 in the case of Moses Whitmire, Trustee etc. vs Cherokee Nation et al., for the return of Cherokee Freedmen to said Nation.

The applicant is identified upon the Kerns-Clifton Roll.

It is, therefore, the opinion of this Commission that

its decision in this case, of January 2, 1904, should be affirmed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 23 1905

X 10598

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. [illegible],

[illegible]

Chief [illegible]

Registrar.

Cherokee Freedmen
D-598

Muskogee, Indian Territory, January 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Peggy Hickey for enrollment as a Cherokee Freedman, including the Commission's decision, dated January 2, 1904, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

Respectfully,

Commissioner in Charge.

Encl. V-46

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D-598

Muskogee, Indian Territory, January 21, 1904.

Edgar Smith,

Attorney for Peggy Hickey,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application for the enrollment of Peggy Hickey as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-45. Commissioner in Charge.

Register.

Ctd'd.

Cherokee Freedmen
D-598

Muskogee, Indian Territory, January 21, 1904.

Peggy Hickey,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-44.

Register

Cherokee Freedmen
D-598.

Muskogee, Indian Territory, January 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application of Peggy Hickey for the enrollment of herself as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. D-26.

Commissioner in Charge.

Refer in reply to the following:
LAND
6019-1904.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated January 21, 1904, transmitting the records relative to the application of Beggy Hickey for enrollment as a Cherokee freedman.

January 2, 1904, the Commission found that the applicant was entitled to enrollment as a Cherokee freedman. The Nation protests against the Commission's decision.

The record in this case shows that the applicant was at the commencement of the war, a slave of a Cherokee family; to wit, Henry and Rachel Hickey. Henry Hickey was not a citizen of the Cherokee Nation, but his wife was. The applicant went to the State of Texas during the war, but returned to the Cherokee Nation prior to the year of the time limit fixed by the treaty of 1866, and she has continuously resided therein since her return.

In view of the record of the case, the office is of the opinion that the decision of the Commission is correct and recommends approval of the decision.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

CAW-WDW

D C 13483-1904. COPY. W.C.F.

I.T.D. 3008-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

April 26, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 21, 1904, you transmitted the record in the matter of the application of Peggy Hickey (F.D.598), for enrollment as a Cherokee freedman, including your decision of January 2, 1904, granting said application.

The Cherokee Nation protests against your decision, claiming that the evidence does not show that the applicant returned to the Cherokee Nation in accordance with the provisions of the treaty of 1866.

Reporting April 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The record in this case is unsatisfactory. The witnesses L. D. Daniels and Edmond Vann, both testified that the applicant was in the Cherokee Nation in 1866. Their testimony is, however, of such a nature as to add very little strength to the record.

The applicant states that she returned to the Cherokee Nation in 1866. She is positive that she returned with her former owner, Henry Hickey. The witness Thomas Hickey is the son of said Henry Hickey, and was born in 1853. He states that he, with his brother and sister, returned to the Cherokee Nation about November of 1867; that

they left their father in Rusk County, Texas, and that he did not return to the Nation until the spring of 1868.

Because of the unsatisfactory condition of the record, the case is remanded to you, and you are directed to secure, if possible, such additional testimony as will more clearly establish the date at which the applicant returned to the Cherokee Nation. The testimony and papers attached are inclosed herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D 598

Muskogee, Indian Territory, May 7, 1904.

Peggy Hickey,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 26, remanding the Commission's decision of January 2, 1904, granting your said application. The Department directs that further testimony be taken tending to show conclusively whether or not you return to the Cherokee Nation after the war within the time specified in the treaty of 1866.

You are accordingly hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 598

Muskogee, Indian Territory, May 7, 1904.

Edgar Smith,

Attorney for Peggy Hickey,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Peggy Hickey for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 26, remanding the Commission's decision of January 2, 1904, granting said application. The Department directs that further testimony be taken tending to show conclusively whether or not the said Peggy Hickey returned to the Cherokee Nation after the war within the time specified in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 598

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Peggy Hickey for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 26, remanding the Commission's decision of January 2, 1904, granting said application. The Department directs that further testimony be taken tending to show conclusively whether or not the said Peggy Hickey returned to the Cherokee Nation after the war within the time specified in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Commissioner in Charge.

Encl. V-32

Cherokee Freedmen

D-598.

Muskogee, Indian Territory, June 28, 1904.

S.S. Clover,

Agent for Peggy Hickey,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental testimony taken before the Commission on June 15, 1904, in the matter of the application for the enrollment of Peggy Hickey as a Cherokee freedman

There is also enclosed blank form of receipt for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge

Encl. S-6

Cherokee Freedmen

D-444-445-565-598.

Muskogee, Indian Territory, August 3, 1904.

Blue & Clover,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 20, stating that you desire to file a brief in Cherokee Freedmen D-598, Peggy Hickey, Cherokee Freedmen D-444-445, John Bolin; Cherokee Freedmen D-565, Paulina Turk, and ask that you be furnished with a copy of the record in these cases.

There are accordingly herewith inclosed copies of supplemental testimony of July 16, 1904, in Cherokee Freedmen D-565, Paulina Turk, et al., and of supplemental testimony of June 18, 1904, in Cherokee Freedmen D-444-445, John Bolin, et al. The Commission's records show that the applicant, Peggy Hickey, has heretofore been furnished with a copy of the original record in her application for enrollment, and, there is on file in that case, a receipt from your firm dated Jul. 8, for a copy of the supplemental record. In the case of Paulina Turk, et al., it appears that Edgar Smith Vinita, Indian Territory, has heretofore been furnished with a copy of the record had in the original application, and in John Bolin, et al., the appli-

cants have been furnished with the original records in their case.

Respectfully,

Commissioner in Charge.

Encl. S-1.

COPY.

Cherokee Freedmen
D-598.

Muskogee, Indian Territory, June 23, 1905.

Peggy Hickey,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Chairman.

Incl. S-75.
Register.

COPY.

Cherokee Freedmen
D-598.

Muskogee, Indian Territory, June 23, 1905.

Edgar Smith,

Attorney for Peggy Hickey,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting the application for the enrollment of Peggy Hickey as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-76
Register

Cherokee Freedmen
D-598.

Muskogee, Indian Territory, June 23, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting the application for the enrollment of Peggy Hickey as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-77.

COPY.

Cherokee Freedmen
D-698.

Muskogee, Indian Territory, June 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Peggy Hickey as a Cherokee freedman, including the Commission's decision dated June 23, 1905, granting said application.

This case was remanded on April 26, 1904, for further hearing and readjudication.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-78.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land

49293-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

July 26, 1905.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 23, 1905, transmitting the record of the applications for enrollment as a Cherokee Freedman by Peggy Hickey.

June 23, 1905, the Commissio decided favorably to the applicant.

The record shows that on January 2, 1904, the Commission rendered a decision in favor of the applicant; that on April 26, 1904, the case was remanded to the Commission for further investigation. The record further shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, but returned to the Nation on or before February 11, 1867. She is identified on the Dawes-Clifton roll.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

(C O P Y)

Y.P.
FHE

D. C. 48138-1905

I.T.D. 9326-1905

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 14, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 23, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Peggy Hickey as a Cherokee freedman, including its decision of the same date, granting said application.

Reporting July 26, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure

COPY.

Cherokee Freedmen

D 598.

Muskogee, Indian Territory, October 31, 1905.

Edgar Smith,

Attorney for Peggy Hickey,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting the application for the enrollment of Peggy Hickey as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 14, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

LS
Encl. 3-49

Cherokee Fr.
D-598

COPY.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting the application for the enrollment as a Cherokee Freedman of Peggy Hickey, Cherokee Fr. D-598, was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

SIGNED:

Commissioner.

Encl. J-10

Cherokee Freedmen COPY.

D 598.

Muskogee, Indian Territory, October 31, 1905.

Peggy Hickey,

Wayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior October 14, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be notified.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

IS

Cher Fr 1489

Trans. from Cher Fr D865

Cher Fr 1489

COPY. F2986 5-
217

IN RE
Application for Enrollment of
INFANT CHILD

Viola Starr

as a citizen of

Cherokee Nation.

Approved July 12 1901

C.R. Breckinridge
Commissioner.

July 12 1901

BIRTH AFFIDAVIT.

COPY.
217

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Viola Starr (Here insert name of child.), born on the 4 day of Jany, 1900

Name of Father: Andy Vann, a citizen of the Cherokee Nation.

Name of Mother: Emma Starr, a citizen of the Cherokee Nation.

Postoffice Tahlequah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, Emma Starr, on oath state that I am 20 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Andy Vann, who is a citizen, by adoption, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 4 day of Jany, 1900; that said child has been named Viola Starr, and was living March 4, 1905.

Emma Starr

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 8 day of July, 1901.

Seal

Geo F. Have, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, Julia A. Starr, a midwife, on oath state that I attended on Mrs. Emma Starr, lawful wife of Andy Vann, on the 4 day of Jany, 1900; that there was born to her on said date a Female (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named Viola Starr

Julia A. Starr her X mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Jennie Starr, Allie McMichael

Subscribed and sworn to before me this 8 day of July, 1901.

Seal

Geo F. Have, Notary Public.

Cherokee Freedman 1489

Viola Starr

For original record in this case, see Cherokee Freedman Rejected R-478

Cher Fr 1490

Trans. from Cher Fr D1110

Cher Fr 1490

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

------0-------

In the matter of the application for enrollment as Cherokee Freedman by
Janie Simmons.

Janie Simmons, being duly sworn, deposed as follows:

Mr. Bixby What is your name? A - Janie Simmons.

Q - How old are you?

A - I don't know, sir, you will have to look on the rolls and see how old I am.

Q - How big a girl were you when the war broke out?

A - I don't know, sir.

Q - Do you remember the war?

A - Yes, sir; I guess I am about 40. My oldest child is 25 years old.

Q - What is your post office address? A - Muscogee.

Q - Where do you live?

A - I am living here, but my home is in the Cherokee Nation.

Q - How long have you been living in the Cherokee Nation.?

A - About four years. I was enrolled at Fort Gibson. I belong to the Illinois district.

Q - Have you lived outside the Territory during the past three years? A - No, sir..

Q - To which district do you belong? A - Illinois.

Q - Is your name on the 1880 roll?

A - I don't know when that roll was made.

Q - Were you a slave? A - Yes, sir.

Q - Who was your owner?

A - Jim Allen Thompson.

Q - What was your father's name?

A - Jordan Thompson

Q - Is he living or dead?

A - Been dead ever since I was a little girl.

Q - Was he a Cherokee Freedman?

A - Yes, sir.

Q - What district did he belong to?

A - I don't know, sir, I was very little when he died. He lived over at Ft. Gibson.

Q - Who was your father's owner? A - Jim Allen Thompson.

Q - What was your mother's name? A - Lila Thompson.

Q - Is she living or dead?

A - She died shortly after he did.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - What was her owner named?

A - Jim Allen Thompson.

Q - Are you married? A - Yes, sir.

Q - What is your husband's name? A - Tom Simmons.

Q - Is he a Cherokee? A - No, sir, a state man.

Q - Have you any children under 21 years of age?

A - Got a daughter, not under 21 years of age.

Q - Have you been married more than once?

A - Yes, sir, three or four times.

Q - What was the name of the man you were living with in 1880?

A - I don't know what man that was.

Q - About twenty years ago, a few years after the railroad came through here?

A - Must have been Jimmie Thompson; that is when we drew the first money.

Q - What was the next man you were married to? A - Lee.

Q - What was the next man?

A - Johnson, but I went by Thompson when I had him.

Q - Did you have any man before younhad Thompson?

A - I never had any man named Thompson; that was my maiden name.

Q - Johnson, Lee and Simmons were the only husbands you had?

Q - Those are the only ones I drew money when I was with. I only drew money under the names of Lee, Thompson and Simmons.

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee Roll of 1880.

-----O-----

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) Bruce C. Jones.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy.

Subscribed and sworn to before me this the 18th day of October 1904.

Charles H. Sawyer
Notary Public.

(C O P Y)

S U P P L E M E N T A L T E S T I M O N Y .

R. #23

DEPARTMENT OF THE INTERIOR,
COM'ISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., APRIL 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JANIE SIMMONS as a Cherokee Freedman: Said Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name now is Jennie Simmons isn't it? A Yes, sir.
Q Howold are you? A I am 40.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian now.
Q You applied the otherday didn't you? A No, sir; I started to and that gentleman could not understand me and I went out.
Q Well, it seems in your former application that you were not identified on any of the rolls; now can you help the Commission to identify you on the rolls? A I have drawn in every payment.

JOSEPH JOHNSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Joseph Johnson.
Q How old are you? A 50 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation? A No, sir.
Q Live at Muskogee do you? A No, sir.
Q Where do you live? A I live three miles north of Muskogee.
Q In the Creek Nation? A Yes,sir.
Q Are you the husband of this woman here? A I was at the time the 1880 roll was made; she was on the 1880 roll with me.
Q Her name is Jennie Simmons now is it? A Yes, sir; that is her husband's name.
Q But you were her husband at that time? A Yes, sir.
Q Back in 1880? A Yes, sir.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Have you applied yet for enrollment? A I did at Muskogee; found all right over there and if it was not right I was to be notified by papers.
Q All you want to talk about now is about her being on the roll of 1880? A Yes, sir; she was on the roll of 1880 with me.
Q You were living in Illinois in 1880? A Yes, sir.
Q How long did you and this woman live together? A Three or four years, I don't remember.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q That is all you know is it? A Yes, sir.

JE"IE SI"O"S, The Applicant, re-called, testified as follows:

Q Now is there anything else you want to offer here in testimony?
A I don't know.

BART THOMPSON, being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

Q What is your name? A Bart Thompson.
Q How old are you? A I am about 60 years old.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A I have lived here pretty well all my life.
Q Do you know the applicant here, Jennie Simmons? A Yes, sir.
Q Do you know of any way we can identify her on the rolls?
A I don't know only look for her name.
Q On the roll of 1880? A I don't think her and Joe Johnson was living together in 1880.
Q Whom was she living with? A Her aunt.
Q What was her aunt's name? A Siney Thompson.
Q In what district was she? A In Illinois. I was administrator here for them in 1880, their mother died and I drawed orphan money for them trice.

JENNIE SIMMONS, the Applicant, recalled, testified as follows:

Q Have you lived in the Cherokee Nation all your life? A Yes, sir, all the time except the time I taken this disease and I went south and had myself doctored.
Q How long has that been? A I don't know; it has been ten or ~~if~~ fifteen years ago.
Q Up to that time you had lived in the Cherokee Nation all your life? A Yes, sir; I have a home in Canadian District now.
Q Was your mother a slave in the old times, in the Cherokee Nation? A Yes, sir.
Q Whom did she belong to? A Allen Thompson.

BART THOMPSON, re-called, further testified:

Q Who was it her mother belonged to? A Old Jim Allen Thompson.
Q What was her mother's name? A Lila Thompson.
Q Where did she go? A South.
Q Whenedid her master, Jim Allen Thompson, live? A Up at Wayesville.
Q And then he went down in Texas? A Yes, sir.
Q And took this woman's mother along with him? A Yes, sir.
Q And what time did he come back to the Cherokee Nation? The old man said he had a special time to come back in '66, and he fetched them as far as Fort Gibson in '65.
Q And he brought this mother? A Yes, sir.
Q The point is when he come back? A The old man said it was in '66.
Q Who was it said that? A Our old Boss.
Q When they come back from there where did they go? A The Chickasaw Nation; we stayed in Texas a year and he moved us up to that place.
Q When? A In the time of the war, and the year before the war ceased.
Q And then come up to the Cherokee Nation? A Made one crop there.
Q What was after the war was all over? A Yes, sir; they was making peace, because he said he had a special time to get back here.
Q Did you belong to him too? A Yes, sir.
Q And did you come back with this woman's mother? A Yes, sir.
Q Don't you remember exactly when that was? A No, sir; he said in '66; we was just like ignorant hogs.
Q When you came back to the Cherokee Nation where did you go?
A Lived here, right here in Fort Gibson.

Q Who is there living here that you met? A Lots of them, some colored men and some soldiers;I didn't tarry here any, I went up on Pryor Creek.
Q Can you name some one responsible person that this woman's mother met when she come back here? A Judge Sanders and Conong Vann, he was census taker, and colored men there is Bob Smith and Frank Smith.
Q Well now, you have named several are there any of them in the house that knows; what I want at this time is, is there anybody in the house at this time that you can call here and testify?
(No response)
Q You say Mr. Meigs knows about it all? A Yes, sir.
Q Mr. Henry C. Meigs? A Yes, sir.
Q Look aroung now and see if there is anybody who can come here and testify? (No response.)

BY J. S. DAVENPORT, Cherokee Representative:

Q Did you come back with Jim Allen Thompson to the Cherokee Nation? A Yes, sir.
Q Where did Jim Allen Thompson go when he come back to the Cherokee Nation? A His old place on Beaty's prairie.
Q Now you were with Jim Allen Thompson a year in the Chickasaw Nation and he made a crop there? A Yes, sir.
Q Then after Jim Allen Thompson made the crop in the Chickasaw Nation, in 1867 the year after that he come to the Cherokee Nation; was this woman's mother there with him? A Yes, sir; there with him.

JENNIE SIMMONS, the Applicant, re-called, testified as follows: EXAMINATION BY COMMISSIONER BRECKINRIDGE:

Q What was your mother's name? A Lila.
Q Delila what? A Thompson.
Q That was her name when she was a girl? A I don't know, sir.
Q Didn't she used to belong to this man Thompson? A Yes, sir.
Q So that when she was a child they called her Delila Thompson, didn't they? A I don't know.
Q You don't know what your mother's name was? A No, sir.

L. D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A L. D. Daniels.
Q How old are you? A 56.
Q What is your post office? A Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you know the mother of this woman whose name in early life was Delila Thompson? A I know a woman we used to call Siney.
Q You know Jennie Sommons here, don't you? A Well I won't be positive, I knowed her uncle or grandfather or some thing like that, I won't be positive.
Q Do you know whose daughter she is? A No, sir, I don't.
Q You don't know for certain about her mother? A No, not about her mother, I know a woman by the name of Siney Thompson.
Q Do you know when Siney Thompson come back to the Cherokee Nation after the war? A Siney Thompson come here in '65 and remained here.
Q Was she a slave in 1860? A So said to be, I don't know for a fact, but she always wentby the name of Siney Thompson.
Q Who did she say was her owner? A Some Thompson up here, I don't know who they were; there were a good mony of the Thompsons, and I would not be positive about the Thompson she claimed.

Q Was she taken out of the Cherokee Nation during the war?
A She may have been.
Q You don't know? A No, sir.
Q You don't know whether she went out? A I was driving a team and we got up here on the line the other side of Cincinnatti in the Cherokee Nation and she come down with us; that was in '63.
Q Where did she go? A She stayed right here.
Q And as far as your know she just stayed here? A Yes, sir.
Q From '63 right on? A Yes, sir.
Q If she went out during the War you never knew it? A No, sir, if she did I never knowed it.
Q Did you see her along from time to time from '63? A I moved away from here about '75.
Q Had she been living here since '63 to '75? A Yes, sir.
Q And it is your impression that she is the daughter of Siney?
A Yes, sir.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Where were you born? A I was born at Beaty's Prairie.
Q Here in the Cherokee Nation? A Yes, sir; but I growed up right here at Fort Gibson.

BY J. S. DAVENPORT:

Q How long did you live in the Creek Nation? A High three or four years.
Q When was that? A I don't know exactly; it has been; I sold out there and moved in the Cherokee Nation, in Canadian District.

---ooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 17th day of April, 1901.

(Signed) C. R. Breckinridge.
Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of October 1904.

Charles H. Sawyer
Notary Public.

(C O P Y)

S U P P L E M E N T A L (R # 23)

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 15th 1901.

In the matter of the application of Jenny Simmons for enrollment as a Cherokee Freedman. SUPPLEMENTAL TESTIMONY

BOB SMITH, Being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? Bob Smith.
Q How old are you? A I cant say.
Q About how old are you? A I cant say I dont know nothing about ages
Q Are you over fifty? A Sirs sir I am satisfied I am over fifty.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A. I dont know no wheres but the Cherokee Nation.
Q Then you have lived here all your life? A. Yes sir.
Q You want to give some testimony here in the case of Jenny Simmonsi A Yes sir they asked me to come up here and tell something.
Q How long have you known Jenny Simmons? A. I've been knowing her a long time.
Q Have you known her all her life? A. I been knowing her ever since peace was declared-- her father died close to where I lives.
Q Have you known her ever since '65? A. I never kept the run of years at all like some people does.
Q Did you know her father? A. Yes sir.
Q Did you know her mother? A. Yes sir.
Q Did you know her when she was a baby? A. No sir but I knowed her before she was grown.
Q Where did you first know her father? A. Right here in the country, the place is hardly a mile from where I live now where he died.
Q About how long has he been dead? A. Been dead a long time.
Q How long did you know him before he died? A. I just got quainted with him after the surrender.
Q You didnt know him before that? A. No sir.
Q Where were you during the war? A. Right here in the Territory.
Q All the time? A, I was with the army near the close of the war and we went out just across the line and then would come back, that is all that I was out of the Territory during the war.
Q What were you doing with the army? A. Driving a team.
Q Who were you driving a team for? A. For the sutlers.
Q Thought you said that you was driving for the army? A. Well the sutlers was with the army wasnt they?
Q So you were driving a team for the sutlers were you? A. Yes sir and when I quit that I worked for the officers some, but I never was a soldier.
Q Did you drive a four horse team? A. Four mules and then sometime I would drive six mules.
Q How early during the war did you drive thatsort of a team? A. Just some times, and sometimes I was back here.
Q Then you were in the Territory all the time during the war were you? A. Never left the Cherokee Nation, I was right here all the time.
Q What is the name of Jenny Simmon's father? A Jordan Thompson.

Q Do you know the name of her mother? A. Mary ---Lila was her name.
Q Which is it? A. Hername was Lila--Jordans wife.
Q So you think her name is Lila? A. There is no thinking about it I know it is Lila.
Q Why did you say Mary at first if you know that it is Lila? A. Well there was two sisters of them, Mary and Lila, and I had to sort of think about it first -- it is Lila.
Q And you are satisfied that it was Lila? A. Yes sir.
Q When did Jordan Thompson come back after the war? A Cant tell that
Q Do you know when he and Lila were married? A. No sir; they must have married-- he must have had her before the war came up, they lived in the Cherokee Nation up at Bearden Prairie, and I didnt know them until after the war when they came here, but my olf lady she knows all of them and she cann tell you all about them
Q Is she living? A. She is at home.
Q When you knew Lila was that when you first met this woman Jenny? A She was with her mother and father and of course I had to meet her.
Q Did you know the mother and father before that time? A. No sir I never knew them before the war.
Q Did you know the mother and father before you knew this woman Jenny? A. I had to know her when I knew her mother and father.
Q Was that the first time that you knew her father and mother? In what year was it you first knew them? A. No sir.
Q You had not known her father and mother before you knew this woman Jenny had you? A. Lock here you cant get me to swear nothin but the truth and I dont want you to cross question me that way because I know what I know and I haint going to swear to nothing but that; she was a grown woman, or I took her to be grown from her size, and she was with her father and mother together when I first knew them. You ask me in what year it was and I am not able to state that.
Q I am trying to find out when you first knew the father and mother of this woman Jenny? How old was Jenny when you first knew her father and mother? A. I dont know.
Q Was she a small girl or a grown woman when you first knew her father and mother? A. I think that she was a grown woman, or she peared to me to be from her size; I dont know nothing bout her age.
Q I understand you to say that she was quit a grown girl when you first knew her father and mother? A. Yes sir I think she was; she might have been grown from her size--I dont know her age.
Q I didnt ask you her age? A. I thought she was grown from her size.
Q Then when you first knew her father and mother you thought her to be a grown woman judging from her size? A. Yes sir.
Q And that was the first time that you knew her father and mother? A Yes sir.

JOHN THOMPSON, called and sworn as a witness in the above cause, testified as follows before Commissioner C. R. Breckinridge:

Q What is your name? A. John Thompson.
Q How old are you? A. 45.
Q What is your post office? A. Fort Gibson.

Supplemental R#23, No 3.

Q How long have you lived in the Cherokee Nation? A. All my life, born and raised here.
Q Do you know Jenny Simmons, this woman here? A. Yes sir I know her I dont know her by that name though.
Q What name do you know her by? A. Jenny Thompson, when she was a child.
Q Was she born here in the Cherokee Nation? A. She was said to be born here.
Q She is some younger than you are is she not? A. About as old as I is; we was about the same size when we was little.
Q She gives her age as less then yours. A She must be then.
Q Have you known her very much all her life? A. Yes sir.
Q Did you ever know her father? A. Yes sir.
Q What was his name? A. Jordan Thompson.
Q Did you know her mother? A. Yes sir.
Q How far back can you remember her mother--how old were you? A. I was 9 or 10 years old.
Q You have no recollection of her mother back of the time that you were 9 or 10 years of age? A. No sir, I think not.
Q You have no personal knowledge of anything back of that? A. No sir.
Q You dont know when her father and mother were married? A. No sir.
Q You dont know where they lived, or either of them, before she was born? A. No sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 16th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of October 1904.

Charles N. Sawyer
Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 5th, 1901.

In the matter of the application of John Mackey for the enrollment of his three minor children, Leroy, Floyd, and Nerlie Mackey, as citizens of the Creek Nation.

John Mackey, being duly sworn, testified as follows:

By the Commission:

Q As citizens of what nation are you now making application for the enrollment of your three minor children? A Creek Nation.
Q What is your name? A John Mackey.
Q What is your age? A About thirty-eight.
Q What is your post-office address? A Muskogee.
Q Have you been listed for enrollment as a citizen of the Creek Nation by the Commission to the Five Civilized Tribes? A Yes, sir.
Q Are you the father of these children? A Yes, sir.

"The records of the Commission show that John Mackey is listed for enrollment on Creek Freedmen Card, field number 666; and also that his name appears on the Dunn roll as Columbus Lewis at No. 551."

Q What are the names and ages of your minor children for whom you now make application for enrollment? A Leroy 10, Floyd 9, and Nerlie 7.
Q Are all these children living? A Yes, sir.
Q Do they live with you? A They live with their mother. We and their mother has parted.
Q Who is the mother of these children? A Minnie.
Q Minnie what? A Minnie Mackey.
Q Where does she live? A North of town here.
Q How far? A About one-quarter mile.
Q Is she a citizen of the Creek Nation? A She is a Cherokee.
Q Has she been listed for enrollment as a citizen of the Cherokee Nation? A No, sir. She could not get straight on the roll
Q Have these children of yours been recognized as citizens of the Cherokee Nation? A I suppose not. I have always held them here and drew money for them.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A I suppose they must have been or they would not have got their money.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear on the tribal rolls of the Creek Nation?
A Yes, sir.
Q Where do they live? A North of the jail here.
Q How long have they lived there? A About 12 or 14 years.
Q Have they been out of the Territory in the last four years? A No, sir.
Q Do the names of any of them appear on the 1890 authenticated roll of the Creek Nation? A That I don't know

"1890 authenticated roll of the Creek Nation, Arkansaw town, examined, and the names of applicants not found thereon"

Q Do the names of these children appear on the 1895 authenticated roll of the Creek Nation? AYes, sir.
Q Did you draw the $14.00 for all three children? A It was drawn

for them but I never got it.
Q. Who drew it? A Wiley McIntosh.

"1895 authenticated roll of the Creek Nation, Arkansaw Town, examined, and the names of Richard, Floyd and Roy Mackey appear thereon at Nos. 140, 141 and 142, in the family of John Mackey."

Q Is there any other statement with reference to this application that you desire to make at this time? A No, sir.
Q If it should be found that these children have been recognized as citizens of both the Creek and Cherokee Nations, as citizens of which nation do you now elect to have them enrolled and receive allotments of land and share in the distribution of moneys? A Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment as citizens of the Creek Nation of your three minor children, which will be mailed to you at your present post-office address.

I, R. B. Eisenberg, being duly sworn, on oath state, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a full, true and correct transcript of my stenographic notes of the proceedings had in the above named cause.

(Signed) R. B. Eisenberg

Subscribed and sworn to before me at Muskogee, Indian Territory, this _____ day of November, 1901.

(Signed) Tams Bixby
Acting Chairman.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 8th day of October 1904.

Charles H. Lawyer
Notary Public.

"R" (COPY)

Cherokee Freedman R 23

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE APPLICANT in the matter of the application of Janie Simmons for enrollment as a Cherokee Freedman.

Appearances:
Louis T. Brown, as agent for the applicant;
W. W. Hastings, of attorneys for the Cherokee Nation.

COMMISSION: The applicant is found on

The Wallace roll of citizens of the Cherokee Nation, page 138 No. 2887, Jennie Simmons, Residence, Creek Nation.

COLUMBUS LASLEY, being sworn and examined, testified as follows:

BY BROWN:

Q State your name? A Columbus Lasley.
Q Your age? A 54.
Q Your post-office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Mr Lasley, did you know Lilah Thompson during her lifetime? A No sir.
Q You know Sinah Thompson? A Yes sir.
Q You know the applicant in this case, Jennie Simmons? A Yes sir.
Q You know where she was in the year '66? A Fort Gibson I guess.
Q In the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You know when she came there? A No sir.
Q What time was she there in '66? A I couldn't tell you; she was there right just immediately after the war, the family was there.
Q The family was there after the war? A Yes sir.
Q Well now how old is this woman? A No sir, I don't exactly know.
Q You know how old she was then? A She was just a girl.
Q Do you remember her individually? A Yes sir.
Q You know she was there herself? A Yes sir.
Q What makes you recollect that? A I knew the family.
Q I know you knew the family, but did you know this girl? A Yes sir.
Q Are you going by the family or are you going by your personal knowledge of the girl? A The girl, yes sir.
Q You know whether she has lived around there ever since? A No sir, I couldn't tell you that.
Q Where did she go? A I don't know.
Q How long did you know her around there? A Oh I knew her until after she was grown and married two or three times.
Q You know of her going away? A I left Fort Gibson and went to Tahlequah and it was several years I never saw her; she had as good speech as I might have and she was not disfigured when I saw her last.
Q About how many years since you saw her? A I saw her last year.
Q Was that the first time you saw her for a number of years? A Yes sir.

(BY COMMISSION: Questioning Louis T. Brown.
Q Are you representing this applicant? A Yes sir.)

Kern-Clifton pay roll of Freedmen citizens of the Cherokee Nation examined and applicant identified on page 107 No. 2680 Jennie Simmons, Cooweescoowee District.

BY COMMISSION: In view of the testimony in this case it is directed that Cherokee Freedman card No. R-23, be cancelled, and that the name of the applicant be transferred to doubtful card, awaiting further consideration of the Commission.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this February 4, 1902.

(Signed) T. B. Needles
Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 8th day of October 1904.

Charles J. Harrison
Notary Public.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Minnie Mackey, for the enrollment of herself and children as Cherokee Freedmen:

Appearances:
W. W. Hastings, for the Cherokee Nation;
Lewis T. Brown, Vinita, I. T., agent for applicant;

MINNIE MACKEY, being sworn and examined, testified as follows:

Examined By Lewis T. Brown:

Q What is your name? A Minnie Hopkins.
Q What is your right name? A Minnie Mackey.
Q How old are you? A I don't know, mamma says I am 27 years old.
Q Where do you live?
A Why I live here with her now.
Q In Muskogee; in the Creek Nation? A Yes sir.
Q Do you apply for enrollment as a Cherokee Freedman?
A Yes sir.
Q Do you apply for anyone besides yourself? Any children?
A Yes sir I have some children.
Q Give me the name of the oldest one? A Leroy Mackey.
Q How old is he? A He's eleven years old.
Q Name of the next child? A Floyd Mackey.
Q How old is Floyd? A He's nine years old.
Q Next child? A Nearly.
Q How old? A He's seven.
Q Is that all? A Yes sir.
Q Are they all living? A Yes sir.
Q Have you another child; a baby? A Yes sir, I didn't know you wanted that.
Q Let's have it's name? A Tommie Mackey.
Q How old is that child? A One year old this month.
Q Is that all you have? A Yes sir.
Q Are they all living? A Yes sir.
Q Are they all living with you? A Yes sir.
Q Have they all the same father? A No sir.
Q Who is Leroy's father? A John Mackey.
Q Who is Floyd's father? A John Mackey.
Q Who is Nearly's father? A John Mackey.
Q Who is Tommie's father? A Taylor Mackey.
Q They are all named Mackey? A Yes sir.
Q Are John and Taylor Mackey citizens of the Cherokee Nation?
A John is a citizen of the Creek Nation; Taylor is not a citizen.
Q What is your father's name? A James Hawkins.
Q Is he a citizen or a State man? A A stateman.
Q Is he living? A I don't know.
Q What is your mother's name? A Janie Simmons.
Q Is she living? A Yes sir.

Kern-Clifton roll, page 107, #2683 Minnie Hawkins, Cooweescoowee district, 21 years of age;

Q Did you draw money for these children from the Kern)Clifton roll?
A For two of the children, Leroy and Floyd.

Kern-Clifton roll, page 107, Leroy Mackey, #2681, Cooweescoowee;
" " " 2 107, Floyd Mackey, #2682 "

Wallace roll, page 138, #2888, Minnie Hawkins, residence Creek Nation.

Examined by the Commission:

Q Have you ever applied to this Commission to have your children enrolled as citizens of the Creek Nation?
A Not myself, my husband though I think he did. I wasn't with him.
Q Are you aware that the Act of Congress, approved June 28, 1898, contains the following provision:

"The several tribes may, by agreement, determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of monies belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time he shall be enrolled in the tribe within whom he has resided; and shall be given such allotment and distributions, and not elsewhere".

Q What is your answer to that? A Yes sir.
Q In the event it should be found that your children have been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of what Nation do you elect to have your children finally enrolled.
A The Creek Nation if they are on. If they are not, then with me.

Examined by Lewis T. Brown:

Q Do you claim citizenship through your father or mother?
A Through my mother.
Q What is her name? A Janie Simmons.
Q Do you own a farm on the public domain of the Cherokee Nation?
A Yes sir, near my mother.
Q Do you own a place? A Yes sir.
Q I believe that you have already stated that your husband, the father of your first three children, was a citizen of the Creek Nation? A Yes sir.
Q Did you marry according to the Cherokee law or according to the laws of the United States? A Creek law.
Q Where were you born? A In Fort Gibson.
Q Is that in the Cherokee Nation? A Yes sir.

Examined by W. W. Hastings:

Q Where were you married the first time? A In Muskogee.
Q Where were you married the second time? A Wasn't married.
Q Where did you live up to the time you were first married?
A Lived here, and on the Canadian, and backwards and forwards.
Q Did you live outside the Canadian District, Fort Gibson and Muskogee? A No sir.

The Commission: Minnie Mackey applies fro the enrollment of herself and children, Leroy Mackey, Floyd Mackey, Nearly Mackey and Tommie Mackey, as Cherokee Freedmen.

The applicant is not identified upon the authenticated roll of 1880; nor upon the census roll of 1896. She and her two oldest children are duly identified upon the Kerns-Clifton roll of Cherokee Freedmen. The applicant herself is also identified upon the Wallace roll of Cherokee Freedmen. The two youngest children are not identified upon any of the tribal rolls. It will be necessary for her to file with the Commission satisfactory proof as to the birth of said children.

By reason of the fact that the applicant is not identified upon the authenticated roll of 1880 final judgment as to her

enrollment will be suspended, and her name will be placed upon a doubtful card, together with the names of her children, awaiting the further consideration of the Commission.

The applicant avers that she is the daughter of Janie Simmons, who has been listed for enrollment by the Commission as a Cherokee Freedman on doubtful card No. D 1106, and it is directed that copies of the testimony had in the matter of the application of the applicants in the Janie Simmons case be filed and made a part of the record in the case at bar.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell

Subscribed and sworn to before me this February 24, 1902.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of October 1904.

Chas. H. Sawyer

Notary Public.

(B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
FEB 18 1902

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date 8/18/08

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by Stenographer

Copy

Freedmen 217 D-1110

IN RE

Application for Enrollment of

INFANT CHILD

Jimmie Mackey

as a citizen of

Cherokee Nation.

Approved February 24, 1902.

C. R. Breckenridge,

Commissioner.

CHAIRMAN.

FEB 24 1902

FILED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy

Freedmen 217 D-1110

IN RE

Application for Enrollment of

INFANT CHILD

Jennie Mackey

as a citizen of

Cherokee Nation.

Approved February 24, 1902.

C. R. Breckenridge.

Commissioner.

CHAIRMAN.

FILED

FEB 24 1902

COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.

BIRTH AFFIDAVIT. 217

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Tommie Mackey (Here insert name of child.), born on the 7 day of February, 1901

Name of Father: Taylor Mackey a citizen of the United States Nation.

Name of Mother: Minnie Mackey a citizen of the Cherokee Nation.

Postoffice Muscogee, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Minnie Mackey, on oath state that I am 27 years of age and a citizen by ~~adoption~~ was un, of the Cherokee Nation; that I am the lawful wife of Taylor Mackey, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 7 day of February, 901; that said child has been named Tommie Mackey, and was living March 4, 1905.

Minnie Mackey

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 20 day of February, 190 .

(S E A L) Louis T. Brown Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Jennie Mackey, a ~~midwife~~ unlawful, on oath state that I attended on Mrs. Minnie Mackey, wife of Taylor Mackey on the 7 day of February, 901; that there was born to her on said date a male (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named Tommie Mackey

her
Jennie X Simmons
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Minnie Mackey
Henry Pack

Subscribed and sworn to before me this 20 day of February, 1901.

(S E A L) Louis T. Brown Notary Public.

Freedman D 1110

20

IN RE

Application for Enrollment of

INFANT CHILD

Nearly Mackey

as a citizen of

Cherokee Nation.

Approved February 14 1907

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the ..... Nation,

of ..... (Here insert name of child.), born on the ..... day of ....., 1.....

Name of Father: ..... a citizen of the ..... Nation.

Name of Mother: ..... a citizen of the ..... Nation.

Post-office .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY ..... District.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the ..... Nation; that I am the lawful wife of ....., who is a citizen, by ....., of the ..... Nation; that a ..... (male or female.) child was born to me on ..... day of ..... 1... ; that said child has been named ....., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this ..... day of ..... 190 .

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. ..... District,

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ....., on the ..... day of ....., 1... ; that there was born to her on said date a ..... (male or female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

(Must be Two Witnesses.) Henry Jack

Subscribed and sworn to before me this ..... day of ..... 190 .

NOTARY PUBLIC

C.F.D.1106 (C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 18, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Janie Simmons as a Cherokee freedman.

The attorney for the Cherokee Nation was notified by mail on October 19, 1903, that a hearing in this case would be had on November 18, 1903.

The applicant appears in person.

BLUE THOMPSON, being first duly sworn, testified as follows on behalf of the applicant:

BY COMMISSION: What is your name? A Blue Thompson.
Q How old are you? A 53, the 25th day of December, next. I was born in 1850.
Q What is your post office address? A Chetopa, Kansas.
Q Where do you live now? A I reside in Chetopa.
Q Do you know Janie Simmons? A Yes sir. I know of that name now.
Q Who was her father? A Jordan Thompson.
Q Is he living or dead? A Dead.
Q Who was her mother? A Lila Thompson.
Q Is her mother living or dead? A Dead.
Q When did you first get acquainted with Jordan Thompson?
A When I was about 9 years old, I can recollect him at that time.
Q That was before the war? A Yes sir.
Q Was Jordan Thompson the slave of a Cherokee citizen at the beginning of the war? A Yes sir, he was.
Q Who was his owner? A Jim Allen Thompson.
Q Was Jim Allen Thompson a Cherokee citizen? A His wife was. He was a Cherokee citizen but he was a white man.
Q What was Thompson's wife's name? A Patsy Thompson.
Q She was a Cherokee citizen? A She used to be a Lynch, her brother was Joe Lynch, she was Patsy Lynch; my old master married her but I don't know when it was.
Q Was Lila Thompson a slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Was Jordan Thompson and Lila Thompson married before the war?
A I don't know whether they were married or not, they were married before I was big enough to know. When I could recollect they was living just like married people, but there was no law about marrying black folks, but that was his wife.
Q Were they married like slaves married? A Yes sir, I reckon they was married before I could recollect about it.
Q When was that, during the war? A Before the war come up.
Q Jordan Thompson and Lila Thompson were living together like slves do before the war? A Yes sir.

Q Did they both go out of the Cherokee Nation during the war?
A They did.
Q Where did they go to? A Down to the Chickasaw Nation.
Q When did you first see them after the war? A When I come back from the south I seen them there, when I run off and come home I lived in Sequoyah District, but I don't know whether it was in the fall of '66 or whether it was in '67. I know I come in the fall of '66, but I don't know whether I saw them in the fall of '66 or whether it was in '67, I don't recollect. But they was hom when I come back, they came back with their owners.
Q You don't recollect distinctly whether that was the fall of '66 or whether it was sometime in '67? A No sir, they come -- they didn't come to Ft. Gibson. That was in the Indian country but I don't know whether it was '66 or '67.
Q They might have been here before you saw them? A They was, before I saw them I heard of them.
Q Do you know who they came back with? A I didn't see either one of them. They come with my old master, he fetched them back.
Q What is his name? A Jim Allen Thompson.
Q So Jordan Thompson and Lila Thompson came back with Jim Allen Thompson? A Yes came back with their owners.
Q Anybody else come back with them in the same crowd?
A I think so, I wasn't with them, I was kindly scouting, I stole a horse from master and didn't want to see them and I kept away.
Q Where did they come to, Jordan Thompson and Lila Thompson, when they first came back? A Came to Greenleaf.
Q What district is that? A That's in Illinois.
Q Where were they when you saw them first? A Ft. Gibson.
Q Who was living in Ft. Gibson at the time you saw them?
A Did anybody, you mean?
Q Any colored people? A I couldn't tell you who all, there was the Thornton's, the Bell's and the Foreman's.
Q Which Foreman? A Luster Foreman.
Q Which Bell? A Wanda Bell, now Wanda Foster.
Q Which Thornton? A Nancy and John Thornton, Caroline Foster, Fred Foreman and Sookey Blackman, Auntie Murrell, Daniel Vann, that's all I think of just now. Viney Scale, quite a good many in Ft. Gibson. Cyndia Beck, Marion Beck, Jim Beck.
Q Did you know Rachel Thornton there at that time? A Indian woman?
Q No, colored? A There wasn't any Rachel Thornton there at that time that I know of, but I knowed the Thornton's.
Q Youknew most of the colored people there DidnT you? A Yes sir. The old man lived there Fred Davis, he never left there during the war.
Q How long did Jordan Thompson and Lila Thompson stay there at Ft. Gibson after that? A Lila died in Greenleaf, but Jordan fetched his children to town, I never seen her from the time I ran away in '65 from my home, ran away from the white folks. They was left as slaves. They come on after the war up and my old master brought them back. When I come back to Ft. Gibson I can in '66 in the fall, I disremember, it might have been along about October, and it might have been in '67. Jordan had moved up to Gibson with these children and after they stayed there awhile he moved over to the Frank Smith place and died there.
Q Could you say how long Jordan Thompson and Lila Thompson stayed there at Ft. Gibson? A He come in the fall amd must have stayed there during the winter until the next spring, he went on the farm in the spring. He come from the other district and moved two miles and a half south of Gibson to the Frank Smith place with these children.
Q What time of the year was it you first saw them there in Ft. Gibson? A Must have been either in September or October.

Q Was this applicant, Janie Simmons, born before the war?
A Yes,sir, she was born as a slave, this girl was.
Q Did she belong to the same master her father did?
A Yes,sir.
Q Did she go out of the Cherokee Nation with her father during the war? A Yes,sir, took them all out together.
Q Did she come back with her father and mother after the war?
A Yes,sir.
Q Did you see her at Fort Gibson when she came back with her father and mother after the war? A Yes,sir, saw them all.
Q Have you been seeing this woman since that time very often?
A Yes,sir, I see her about three or four times a year
Q Where has this applicant, Janie Simmons, been living since the war? A She has lived in the Cherokee Nation and then in the Creek Nation and she has been out as far as Fort Arbuckle used to be.
Q Where is that? A Out west where the soldiers use to camp.
Q Is it in Oklahoma? A I don't know whether it is or not.
Q You dont know whether it was in the Territory or not?
A Yes,sir.
Q Do you know what nation it is in? A In the Chickasaw.
Q Has this woman ever lived out of the Indian Territory since the war? A No sir, not to my knowledge, never have found out.
Q How often have you seen her since the war? A 3 or 4 times a year.
Q Do you live near where she lives? A No, I don't now, I use to, in the same town. My farm is up on the edge of the line, Kansas, but I use to live near Ft. Gibson.
Q How long did you live there? A I lived there the principal part of my life off and on. I was 18 when I come back, and I went off in the upper part of the district about 1870, but then I always come back here. My folks all lived there.
Q How long has Janie Simmons been living in the Cherokee Nation?
A All her life , off and on.
Q In the Cherokee Nation, I am talking about? That's what I'm talking about too, off and on.
Q You said awhile ago she went down in the Choctaw Nation?
A Yes,sir, out there, but she didn't live out there. You asked me where all had she been since that time and I told you the Choctaw and Chickasaw .
Q How long has she been staying in the Cherokee Nation?
A Permanently, you mean?
Q Permanently? A I couldn't say that. She's been here and over there.
Q She lived part of the time in the Creek Nation? A Yes,sir.
Q Where does she live now at the present time? A In town here.
Q Muskogee,? A Yes,sir.
Q How long has she lived in Muskogee? A I don't know just how long, how many years.
Q Has she been living here 5 years? A I don't think she has since she has been out on the farm, I don't know.
Q Has she any property in the Cherokee Nation, a farm or improvements, or anything of that kind? A Yes,sir.
Q Where is it located? A I ain't been out there, it is south of here.
Q Do you know how long she has had that? A No,sir.
Q Has she lived in the Indian Territory since the war? A Yes,sir
Q Ever since the war? A Yes,sir. You asked me did I know the applicant? Janie Simmons, I know Janie Simmons and I know Janie Thompson, and the name you have got there is a State raised woman where she married her husband.
Q In other words, Janie Simmons name was Janie Thompson before she was married? A She was born Thompson.
Q When did she marry Simmons? A They married in this town, I don't know, she has been Janie Simmons a long time though.

I don't know how long. He name was Janie Thompson, now Janie Simmons and you could run back on these rolls and find Janie Johnson. She has been married a couple or three times, that's the reason why you don't find her name. Her parents is Cherokee freedmen, I know them from birth.
Q We have her name here as Janie Simmons because that's her married name? A Yes,sir, that's right.
Q State when you returned to the Cherokee Nation after the war?
A I returned in the fall of '65, I come to Sequoyah District the 25th day of December,'66.
Q Where did you return to in the fall of '65?
A I returned to Sequoyah District.
Q Didn't you say just now you returned there in December '66?
A I come home in the fall of '65, I come here then with John Martin and I lived in Sequoyah District and worked on this side of the river, and was on the Jack Campbell place. Christmas day was a Sunday and we built a house over there and moved over there in '66.
Q Who did you find there at that time? A Just one colored family, old man Jack Campbell. The colored folks they hadn't come back from the south yet, there was another fellow called Feilding up towards Sallisaw, and Blagburns and Ragswell.
Q How long after you came in December '66, was it, that you saw this woman, her and her parents? A I came from Sequoyah District after we made a crop that year, come in the fall come to this Ft. Gibson, I don't know whether I seen them the first trip I made to Gibson, I dont think I did, yet I might have seen them.
Q When did you make the first trip to Gibson after you came back, what year? A In the fall of '66.
Q Did you say you come back here in December , '66? A In December '66 or December, '65. I come back the fall of '65 from the Chickasaw Nation to this.
Q You came back to the Cherokee Nation in the fall of '65?
A Yes,sir.
Q When did you make our first trip to Ft. Gibson after that?
A After that Christmas coming that fall.
Q That was Christmas, '65? A I come there in the fall of '65, then that christmas we moved over .
Q That is the Christmas of '65? A A Yes,sir

Q How long after that was it that you saw these people?
A I helped make a crop that year and I come up in the fall the first time.
Q That was the next fall? A Yes,sir, the next fall after we made that crop down there.
Q That would be the fall of '66? A Yes,sir
Q You went to Ft. Gibson then? A Yes,sir
Q Did you see these people that time? A I made two trips, I don't now whether it was the first time I went up, I dont know if I seen them that time, I think they was living in that district but not in town. When I come back Jordan and the children was in town.
Q When did you make the second trip? A I think it wasn't but a short time, September or October, that same year.
Q About how long was it after you made the first trip that you made the second trip? A I went, it must have been three or four months.
Q You made the first trip to Ft. Gibson in the fall of '66?
A Yes sir.
Q And the second trip three or four months afterward?
A Might have been longer, I didn't pay much attention to it.
Q When you made the second trip was it after Christmas?
A It was counted in the fall.
Q Was it after Christmas or before Christmas ~~A~~ Before Christmas

Q Are you positive that you saw Jordan and Lila Thompson and this applicant? A I told you I didn't see Lila. She was dead. I didn't see her after I left the Chickasaw Nation. She had been in Illinois District. I didn't see anybody but these children and Jordan.
Q It was Janie Thompson, and her father, Jordan Thompson, you saw?
A Yes sir.
Q Are you positive you saw them on either your first or second trip you have mentioned?
A I am positive it was one of those two times. I am not positive it was the first time, but I know they was here.
Q You are not positive which one of the times it was you sawthem?
A No sir, I can't say. I would like to say what is right, but I don't know whether it was the first time or the second time.

JANIE SIMMONS, beingfirst duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is y ur name? A Janie Simmons.
Q How old are you? A I don't know.
Q Do you know whether you were born before the war or not?
A No sir.
Q What is your post office address? A Muskogee.
Where were you living when you first remember? A Fort Gibson.
Q How long did you live there at that time
A I livedthere all my days until I come over here.
Q When did you come to the Creek Nation? A I don't know.
Q How long ago has it been when you first come to the Creek Nation?
A I couldn't tell that, because I don't know. I can't remember.
Q Have you been living in the Creek Nation for ten years?
A No sir, not that long.
Q Have you been living here sevn years? A No sir, not that long.
Q Been living here five years? A Not quite five years, a little over three years.
Q You have been livingin Muskogee a little over three years?
A Yes sir.
Q Up to the time that you came to Muskogee had you lived in Fort Gibson all your life? A Yes sir, off and on, first one place and then another.
Q I mean from the close of the war up to the time that you come to Muskogee about three years ago, had you been living all that time in Fort Gibson? A No sir, I was traveling around first one place then another. I had to make my own living and partly raise three or four children.
Q Did you ever live outside the Cherokee Nation since the close of of the war? A No, sir, I don't know anything about outside.
Q Did you ever live in Arkansas? A No sir.
Q Did you ever live in Kansas? A No sir, I don't know nothing about Kansas.
Q Where were you living five years ago, in 1898?
A I was living in Canadian District.
Q Did you live there all that year? A Yes sir.
Q Is that in the Cherokee Nation? A Yes sir.
Q How long had yo livedthere in Canadian District before that?
A About three or four years. I made my home down there, that was my home? That is where I built at.
Q How long had you stayed in the Cherokee Nation continuously before 1898? A All my days. I have had no home of my own until I went down th here and built in that part of the country. I just lived with my people, first one and another, worked out all the time.

Q You don't mean that you lived in Canadian District all your life
A No sir, just here and on a farm.
Q What I want to know is, how long did you stay in Canadian District continuously before 1898. You said you were living there in 1898.
How long had you stayedthere at that time, continuously?
A I don't know. I had some folks down there, but I didn't stay with them very long at a time. I used to live down there a while before I built down there.
Q You don't remember anything about the war youself? A No sir.
Q You don't remember when you came back from the Choctaw Nation after the war? A No sir.
Q When were you married the first time?
A I don't know that. I was married in Fort Gibson.
Q How many times have you been married?
A Twice, one man is dead.
Q Is your first husband dead? A Jordan Lee, at Fort Gibson, he is dead.
Q When did you marry the last time? A I don't know, I couldn't tell.
Q What is your last husband's name? A Tom Simmons, out here.
Q Ishe alive? A Yes sir, I live with him now.
Q How long ago did you marry him?
A I guess about twenty some odd years now.
Q Did you ever own any improvements in the Cherokee Nation?
A Yes sir, I got some now.
Q How long have you owned them?
A About eight years since I built my home.
Q Have you owned improvements in the Cherokee Nation all the time for the last eight years? A Yes sir.
Q You still own them, do you? A Yes sir.
Q What improvements are they? A The first improvements I put up since I burned down was a two story building, and the next one was a little three room box house.
Q Did you ever own any improvements in the Cherokee Nation before eight years ago?
A No sir. Oh yes, I had a little house at Fort Gibson.
Q When did you first get that? A That is a long time, U Couldn't tell.
Q Is that over twenty years ago? A Yes sir, oh yes.

BLUE THOMPSON, recalled, testified as follows:

BY COMMISSION: Did you know this applicant, Janie Simmons, in 1880
A Yes sir.
Q Where was she living at that time? A At Fort Gibson.
Q Who was she living with? A Joe Johnson.
Q Was she marriedthen? Was Joe Johnson her husband?
A Yes sir, Joe Johnson was her husband.
Q Did she have any family at that time, any children living with them? A I believe she had that girl. I disremember whether she had this girl or not.
Q So her name at that time, in 1880, was Janie Johnson?
A Yes sir.
Q How old was she when the war broke out in 1861?
A She was between seven, to the best of my knowledge. I might be a little mistaken, but I think she was between seven and eight years old, I reckon.

Q At the time the war broke out? A About that. Between seven and eight, might be a little mistaken. Might be longer than that. Q She couldn't have been less than six years old when the war broke out? A No,sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Wm. Hutchinson.

Subscribed and sworn to before me this 23rd day of November, 1903

(Signed) Charles H. Sawyer.
Notary Public.

(S E A L)

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 8th day of October, 1904.

Notary Public.

Cherokee Freedmen
D 1110

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Mackey, et al., as Cherokee Freedmen.

--:--

D E C I S I O N.

The record in this case shows that on February 15, 1902, Minnie Mackey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and minor children, Leroy, Floyd, Nearly and Tommie Mackey, as Cherokee Freedmen, provided said minor applicants were not enrolled as Creek Freedmen. The record further shows that on November 5, 1901, one John Mackey had appeared before the Commission at Muskogee, Indian Territory, and elected to have enrolled as Creek Freedmen his minor children, the first three above named minor applicants, Leroy, Floyd and Merlie (Nearly) Mackey, that said minor applicants are included in a partial roll of Creek freedmen approved by the Secretary of the Interior May 21, 1904, opposite Numbers 5388, 5389 and 5390, respectively, and that arbitrary allotments of lands in the Creek Nation have been made to said minors. Copies of the testimony taken at different times and places in re application of Janie Simmons for enrollment as a Cherokee freedman, case No. D 1105 (1312), are filed herewith and made a part of the record herein.

The evidence in this case shows that one Janie Simmons, who, it has been found by this Commission, complied with the treaty stipulations of 1866, and is included in the partial roll of Cherokee Freedmen approved by the Secretary of the Interior, November 16, 1904, opposite Number 3624, is the mother of the applicant, Minnie Mackey; that said applicant, Minnie Mackey, was born since 1866, and has continuously lived in the Cherokee Nation since birth;

and that the minor applicant, Tommie Mackey, is a child of the applicant, Minnie Mackey, was born since 1896, has continuously resided in the Cherokee Nation since birth and is duly identified by a birth affidavit filed herewith and made a part of the record herein.

It is, therefore, the opinion of this Commission that the application for the enrollment of Leroy Mackey, Floyd Mackey and Nearly Mackey, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Minnie Mackey and Tommie Mackey should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 2d 1898 (30 Stat,,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Commissioner

C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,

this JUN 16 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek En.177.

Muskogee, Indian Territory, January 5, 1903.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Vinita, Indian Territory.

Gentlemen:

It appears from the records of the Creek Enrollment Division that on November 5, 1901, John Mackey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his three minor children, Leroy, Floyd and Nerlie Mackey, as Creek freedmen, aged respectively, 10, 9 and 7 years.

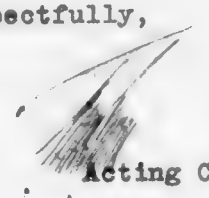
The name of the said John Mackey is embraced in the schedule of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, No. 2556.

It is stated in the testimony that Minnie Mackey is the mother of the said Leroy, Floyd and Nerlie Mackey; that said John and Minnie Mackey have separated; that Minnie Mackey is a citizen of the Cherokee Nation, and that said minor children are living with her.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said minor children as citizens of the Cherokee Nation, and, if such application

has been made, that you furnish information as to their status as Cherokee citizens.

Respectfully,



Acting Chairman.

Cherokee D-1010.

Vinita, Indian Territory, January 12, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 5, Creek En. 177, relative to the status of any application that may have been made for the enrollment as Cherokee Freedmen of Leroy, Floyd and Nerlie Mackey, children of John and Minnie Mackey. It is stated that an application has been made for the enrollment of these children as Creek Freedmen.

In reply, I beg to state that the records of this division show that on February 18,1902, Minnie Mackey applied for the enrollment of herself and four children, Leroy, Floyd, Nearly and Tommie Mackey, as Cherokee Freedmen. The father of these children is named, John Mackey, a Creek Freedman.

No decision has yet been rendered as to the rights of any of these applicants to be enrolled as Cherokee Freedmen.

Respectfully,

Clerk in Charge.

RP

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek En. 177.

ADDRESS ALL COMMUNICATIONS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

January 12, 1903, you advised the Commission that on February 18, 1902, Minnie Mackey applied for the enrollment of herself and four children, Leroy, Floyd, Nearly and Tommie Mackey, as Cherokee freedmen.

It appears from the records of the Creek Enrollment Division that on November 5, 1901, John Mackey appeared before the Commission and made application for the enrollment of his minor children, Leroy, Floyd and Nearlie Mackey, as Creek freedmen, and elected to have them enrolled as such.

It appears from the testimony, a copy of which is herewith inclosed, that the parents of said children have separated, and that they are in the custody of the mother. It is not apparent that the father is authorized to select where said Leroy, Floyd and Nearlie Mackey shall be enrolled, as said children are residing with their mother.

You are requested to furnish the Creek Enrollment Division with a copy of the testimony in the matter of the ap-

plication for the enrollment of Minnie Mackey and her said children, as Cherokee freedmen.

Respectfully,

Chairman.

OCH-205.

COPY.

Creek En. 177,
Cherokee F.D-1110

Muskogee, Indian Territory, March 5, 1903.

Creek Enrollment Division,

General Office.

Gentlemen:

The Commission is in receipt of your letter of February 25, giving certain information as to the application for the enrollment of Leroy, Floyd and Nearlie Mackey, children of John and Minnie Mackey, as Creek freedmen, your number 177, and enclosing a copy of the testimony in that case.

You also ask to be furnished with a copy of the testimony taken in the matter of the application for the enrollment of these children as Cherokee freedmen, Cherokee number D-1110. This testimony is accordingly herewith enclosed.

Respectfully,

Chairman.

Enc. M-179

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cr. En. 177.

Muskogee, Indian Territory, September 25, 1903.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Leroy, Floyd and Nerlie Mackey as Creek Freedmen.

It appears from the records of the Creek Enrollment division that application has been made for the enrollment of the above named persons as citizens of the Cherokee Nation.

The atterney for the Creek Nation has this day been advised that he will be allowed twenty days within which to protest against the decision of the Commission rendered herein.

When final action in the case has been had the Cherokee Nation will be notified thereof.

Respectfully,

Chairman.

Enc. HGH 7-25.

(C O P Y)

Cr. en. 177.

Muskogee, Indian Territory, October 22, 1903.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

You are advised that Leroy, Floyd and Nerlie Mackey have this day been regularly listed for enrollment as Creek Freedmen.

Reference is made to Cherokee F. D. 1110.

Respectfully,

(Signed) T. B. Needles.

Commissioner in Charge.

COPY.

C.F.D. 1110
Cr. F. R. 1888

Muskogee, Indian Territory, March 14, 1906

Commission to the Five Civilized Tribes,

Creek Department.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of Leroy, Floyd and Nerlie Mackey, as Cherokee freedmen. The records further show that application has been made for the enrollment of said applicants as Creek freedmen.

It is requested that the Cherokee Enrollment Division be advised whether or not these parties have been placed on the final roll of the Creek Nation, and if so, that their numbers be given; also, whether or not these parties have, either in person or by attorney, selected their allotments of lands in said Nation, and if such selections have been made, was it voluntarily or arbitrarily done.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

(C O P Y)

C.F.D. 1110
Cr. Fr. R. 1888

Muskogee, Indian Territory, March 23, 1905

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

The Commission is in receipt of your letter of March 14, 1905, in which you ask to be advised whether or not the names of LeRoy , Floyd, and Merlie Mackey have been placed on a final roll of the Creek Nation, if so, what their numbers are and also whether or not these parties have, either in person or by attorney, selected their allotment of land in said Nation.

In reply you are advised that the names of said Leroy, Floyd and Merlie Mackey are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 21, 1904, Roll Numbers 5388, 5389 and 5390, respectively.

You are further advised that March 16, 1905, at the request of John Mackey, father of the above named persons, an arbritrary allotment of land was made.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY.

Cherokee Freedmen

D-1110.

Muskogee, Indian Territory, June 16, 1905.

Minnie Mackey,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of yourself and your minor child, Tommie Mackey, and rejecting the application for the enrollment of your minor children, Leroy, Floyd and Nearly Mackey, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-68.
Register

Cherokee Freedmen

D-1110.

Muskogee, Indian Territory, June 16, 1905.

Louis T. Brown,

Attorney for Minnie Mackey, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Minnie and Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd and Nearly Mackey as Cherokee freedmen. You have heretofore been furnished with a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. S-70.
Register.

Cherokee Freedmen

D-1110.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Minnie and Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd and Nearly Mackey as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-69

Y.

Cherokee Freedmen
D-1110.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Minnie Mackey, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, granting the application for the enrollment of Minnie and Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd and Nearly Mackey as Cherokee freedmen.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-71.

Through the

Commissioner of Indian Affairs.

Land.
47211-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Winnie Wackey for herself and her minor children, Leroy, Floyd, Nearly and Tommie Wackey.

June 16, 1905, the Commission decided favorably to Winnie and Tommie Wackey and adversely to all the other applicants.

The record shows that on November 5, 1901, John Wackey appeared before the Commission and elected to have enrolled as Creek Freedmen his minor children, Leroy, Floyd and Merlie (Nearly) Wackey and that said minors are included in a partial roll of Creek Freedmen approved by the Department May 21, 1904, opposite Nos. 5388, 5389 and 5390 respectively, and that allotments of lands in the Creek Nation have been made to said minors. The record further shows that one Janie Simmons, who complied with the treaty stipulations of 1866 and is included in a partial roll of Cherokee Freedmen approved by the Department November 16, 1904, opposite No. 3624,

is the mother of Winnie Mackey; that Minnie was born since 1866 and has continuously lived in the Cherokee Nation since birth; that Tommie Mackey is a child of Winnie Mackey, was born since 1896 and has continuously resided in the Cherokee Nation since birth.

In view of the record the approval of the Commission's decision favorable to Winnie and Tommie Mackey and adversely to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

W.C.F.
LLB
Y.P.

D. C. 48949-1905.
I.T.D. 7940-1905.
LRS

DEPARTMENT OF THE INTERIOR/
WASHINGTON.

October 21, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Minnie, Tommie, Leroy, Floyd, and Nearly Wackey as Cherokee freedmen.

Reporting June 28, 1905, the Indian Office recommended that the Commission's decision, favorable to Minnie and Tommie Wackey, and adverse to Leroy, Floyd, and Nearly Wackey, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Fr.
D-1110

COPY.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Minnie and Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd, and Nearly Mackey, as Cherokee Freedmen, Cherokee Fr. D-1110, was affirmed by the Secretary of the Interior on the 21st day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Tams Bixby.
Commissioner.

Encl. J-17

Cherokee Freedmen

D 1110.

Muskogee, Indian Territory, October 31, 1905.

Minnie Mackey,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of yourself and child, Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd and Nearly Mackey, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 21, 1905.

You are further advised that you will not be permitted to make allotment selections for yourself and child, Tommie Mackey, until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tams Bixby

Commissioner.

IS

Cherokee Freedmen

D 1110.

Muskogee, Indian Territory, October 31, 1905.

Louis T. Brown,

Attorney for Minnie Mackey, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Minnie and Tommie Mackey, and rejecting the application for the enrollment of Leroy, Floyd and Nearly Mackey, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 21, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

LS
Incl. S-56

[illegible]

Muskogee I.T. 4/19, 02.

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Minnie Brackett et al

for enrollment as Freedman citizen of the Cherokee Nation.

Cherokee ~~Card~~ No. [illegible]

Louis F Brown
Agt for Applicant

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Cherokee Enrollment Division,

Cher Fr 1491
Trans. from Cher Fr D719

Cher Fr 1491

Cherokee Freedman 1491.

Mary Shields.

For original record see

C. F. D. 919.

Cher Fr 1492
Trans. from Cher Fr D1073

Cher Fr 1492

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

MELVINA WILLIAMS, ET AL.,

as Cherokee Freedmen.

CHEROKEE FREEDMAN D 1073

FILED
OCT 30 1991
SEC. & EXCH. COMM.

Jeffrey A. Wilkins
ACTING

BY COMMISSION: It will be necessary that the applicant file with the Commission satisfactory evidence of the filing of the Form U-1 and the effectiveness thereof.

By the Commission.

M.D.Green, Assistant Secretary

SEAL

Commission to file Final Report and Certificate in this case and to request that the proceeding be closed as stated therein.

Surface damage to property to be restored as nearly as practicable to its condition prior to the construction of the facilities.

It is further ordered that jurisdiction be reserved to make such further order or orders as may be necessary or appropriate.

By the Commission.

"R"

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson,I.T., Sept.27,1901.

In the matter of the application of Melvina Williams for the enrollment of herself and one child as Cherokee Freedmen; being sworn, and examined by the Commission she testified as fol ows:

Q What is your name? A Melvina Williams.
Q How old are you? A I couldn't tell my age. I was born just after peace was declared; that's when they say, I don't know.
Q You are about 36 years old then? A Yes sir.
Q Whatis your post-office address? A Okra.
Q That is in the Chickasaw Nation? A Yes sir.
Q You are living down there at the present time? A Yes sir.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Do you apply for anyone besides yourself? A Yes sir.
Q For whom? A Onechild.
Q Whatis its name? A John Garrett Giles.
Q How old is this child? A It will be 18 the 14th of November.
Q 18 years, is it alive and living with you? A He is living with me, yes sir.
Q Who is the father? A He is dead.
Q What was his name? A Mack Giles.
Q What was his father, a state man? A No sir.
Q What was he? A Chicksaw.
Q Have you ever applied for enrollment as a Chickasaw? A No sir.
Q Did you ever apply for enrollment of this boy? A No sir.
Q Never drew any money for him? A No sir.
Q Ever draw any for yourself? A No sir.
Q What was the name of your father? A I don't know; they say his name was John Smith.
Q Was he a Freedman? A I guess so; they say he was a Choctaw.
Q What is the name of your mother? A Susan Smith.
Q She living? A No sir, she is dead.
Q You claim that your mother was a Cherokee Freedman? A Yes sir.
Q Where were you born? A At Fort Smith, they tell me; I do not know.
Q In Arkansas? A I guess so, just after peace was declared.
Q Do you know to whom your mother belonged? A No sir, I do not k know.
Q You were born you say at Fort Smith? A That's what they say, I don't know.
Q How long did you live at Fort Smith? A I couldn't tell, I was too small to remember mother or father.
Q When you first remember where were you living? A In Fort Gibson.
Q Fort Gibson, Cherokee Nation? A Yes sir.
Q About how old were you then? A I couldn't tell you. Nobody didn't tell me and I couldn't tell.
Q How high were you? A I was just about so high(indicating.)
Q Who were youliving with? A Man by the name of Sanders; I dont know what he went by; his name was Sanders.
Q Was he a Cherokee or a Freedman? A Cherokee I guess, the woman was named Mary Sanders.
Q Howlong did you continue to live at Fort Gibson? A I didn't stay there until just about the size I showed you , and my uncle come and got me and carried me to the Chicksaw Nation.
Q What was the name of your uncle? A They say It was Buck Rider.
Q He is the man who applied here awhile ago for citizenship? A Yes sir.
Q Was he your mother's brother? A Yes sir, that's what they say.
Q You remained then in the Cherokee Nation until your were possible six years old? A I guess I was.
Q Then you were taken to the Chickasaw Nation? A Yes sir.
Q You have lived there continuously since? A Yes sir.

Q Have you ever been recognized as a Cherokee Freedman? A No sir.
Q Have you ever drawn any money? A No sir.
Q Have you ever been upon any rolls? A No sir, I haven't.
Q Did you ever apply for any enrollment? A No sir, I haven't.
Q This is your first application? A Yes sir.

BY MR. DAVENPORT:

Q You don't know who your mother was? A No sir.
Q You don't know whether shewas a slave or not? A No sir, I do not.
Q When you can remember you was living with the man who claimed to be your uncle? A No sir, I wasliving with another man until my uncle come and got me.
Q That is when your uncle came back from the Chickasaw Nationand got you? A I don't know.
Q He carried you to the Chickasaw Nation? A Yes sir.
Q How long had you been at Fort Smith? A I guess my mother brought me from Fort Smith herself, I don't know. I was too small to know when my father and mother died.
Q Your uncle had been living in the Chickasaw Nation somewhere when he came and got you? A He might have been, I don't know.
Q Where were you when he come after you? A Fort Gibsnh
Q With whom were you living? A Man named Sanders.
Q Was is George O. Sanders, or do you know? A I don't know, sir.
Q You have been living down there ever since? A Yes sir.
Q You never came up to the Kerns-Clifton roll or the Wallace roll and enrolled? A No sir.
Q How old are you now? A I couldn't tell. After peace was declared they say I was born, I don't know.
Q You must be up in the 30 years old? A Yes sir, I guess so.

O 1880 authenticated, roll, Kern-Clifton pay roll and the Wallace roll of citizens of the Cherokee Nation examined for the applicant, and name not found thereon.

SANDYJOHNSON, being sworn, and examined, testified as follows:

BY COMMISSION:

Q Whatis your name? A Sandy johnson.
Q How old are you, Sandy? A About 55.
Q What is your post-office address? A Fort Gibson.
Q Are you acquaintad with the applicant there, Melvina Williams?
A Well yes, I guess I am.
Q Well are you, don't guess about it? A Yes sir.
Q When did you first see her? A Well I first saw her I saw her here in early days when she was just a baby.
Q Here at Fort Gibson? A Yes sir.
Q See her after she was grown? A Not until to-day.
Q How do you know she is the same person you saw at that time?
I know her by recommendation of her uncle.
Q You don't recognize her as the same colored person you saw when she was a baby? A Yes sir, I believe she is.
She was about 7 years old when I saw her last.
Q About 25 years have elapsed since that time and still you think it it is the same person? A Well by recommendation.
Q You don't know that of your own knowledge? A No sir.
Q Buck Rider told you it was the same person? A Yes sir, he said it was the same one he carried off from here.
Q Where did she go when she left here? A I don't know.
Q You haven't seenher since that time? A No sir.
Q She was then about how old? A About 7 years old.

BY MR. DAVENPORT:

Q You don't know where she was born do you? A Yes sir.
Q Where? A Down here back of the Garrison here, back of the court here; we was all in camp; we lived down here about a quarter of a mile back of the garrison here.
Q Where was hermother's home at the time she died? A Up on Fourteen Mile creek, hermother died on Fourteen Mile Creek.

Q Do you know that of your own knowledge? A Yes sir.
Q What was that; don't you know that her mother died in Fort Smith, Arkansas? A No sir, I don't believe her mother was ever in Fort Smith in her life.

COMMISSION:

Q Did you know her mother? A Yes sir.
Q When? A During the war, we was all of us together here.
Q Then if this applicant states that she was born in Fort Smith she is mistaken? A She is badly mistaken; she don't know where she were born.
Q How long after this child was born did her mother die? A The child was born in '64 and her mother died along about '69.
Q And where did you say her mother was living when she died? A Up on 14 mile Creek.
Q Where did you see her mother, immediately after the war?
A At Fort Gibson.
Q That was immediately after the close of the war? A Yes sir.
Q Did you see her again then before she died? A Yes sir.
Q When? A Along about, right about 2 weeks before she died.
Q You know wherther her mother was a slave? A Yes sir.
Q You know who she belonged to? A Well she belonged to polly Rider bestof my judgment, I didn't know her titleship; I was young then, but then that's where I saw her.
Q You don't know that Polly Rider was her owner? A No, I would not swear ~~it~~ who the ownership was.

BY MR. DAVENPORT:

Q Who was her father? A He was a Choctaw, so said to be, by the name of Smith.
Q Where was he living when he died? A I don'tknow, he was a travelling man.
Now Sandy, study a minute, and see if you don't remember that her mother went to the Choctaw Nationand was living right there at Ft. Smith? A No sir, she died here. I remember that. She went to the hand sof Buck's cousin, and Buck come and got her in '72.
Q Was Polly the mother of Blue Rider? A I don't know Blue Rider.
Q Don't you know Blue Rider, you don't know Blue Rider and was raised up here and lived in Cooweescoowee District? A No sir, I don't know him.
Q You was raised inthis country and don'tknow Blue Rider who has been in the council and raised in this country? A No sir. I was raised in this country all my life.

MOSES JOHNSON, being sworn and examined testified as follows:

BY THE COMMISSION:

Q What is your name? A Moses Johnson.
Q How old are you? A 47
Q What is your post-office address? A Fort Gibson.
Q Are you acquainted with the applicant, there, Melvina Williams?
A Yes sir, I know her when she was achild.
Q How old was she when you first knew her? A She was born in '64.
Q How long did you see her after that? A I seen her after that until about '73, when she was taken away from here.
Q She was taken away from here when she was about 9 years old? A I don't know, but it was '73, and I aint seen her since she was taken away until ~~today~~ now; she was said to be taken to the Choctaw Nation.
Q Who took her away? A Her uncle Buck Rider.
Q Who was this girl living with during the war, in '64? A She was birthed right over the hill there, about 200 yards from here, her mother was named Rider.
Q Who did she belong to? A Polly Rider, the same as Buck Rider.
Q Cherokee? A Yes sir.
Q After this girl went away in '73 you never saw her again until no A Not until right now.
Q Are you sure it is the same person? A I believe it is, I wont

swear it, I believe it is.
Q You don't know of your own knowledge it is the same person? A No sir, she is said to be, I don't know it.
Q Who told you it was the same person? A Why by authority of her uncle, was out there and he says my niece is in there.
Q You sure it is the same person? A I believe it is, I don't know.

BY MR. DAVENPORT:

Q Where was she living when her mother died? A Back of this fort, about 200 yards.
Where was she living when her father died? A I don't know where her father is; her father went from here to Fort Smith to be discharged.
Q Her mother went along too? A No sir, she stayed here; her mother had been down to Fort Smith before that.
Q You were not present whenshe died? A I was living right there in 10 steps.
Q When she died? A No, no, I don't know where she died at.
Q I am talking about the death, not the birth; she was born during the war? A Yes sir.
Q And just before the close of the war the father and mother went to Fort Smith where the father was to be discharged? A Yes sir.
Q You never saw the father and mother after that? A I never saw thef ather, I saw the mother; she stayed here with some one until she died.
Q She was living on Fourteen Mile Creek ~~xxx~~ untilshe died?
QA NNo sir, I don't know where she died at; she was staying here and we moved away.
Q You don't know where she went back up there on 14 mile creek?
A No sir, she was not able to go; she died right around here somewhere near, I don't know exactly where she died; I don't know where she died.
Q This girl has never had a home in this country since she left here ~~this xx~~ and was taken to the Choctaw Nation or Chickwaw Nation?
A I don't know.
Q You have never seenher around here? A Well I don't know.

COMMISSION: Melvina Williams applies for the enrollment of herself and one son as Cherokee Freedmen. She avers that she is achild of John and Susan Smith, and that Susan Smith, her mother, was a slave of Polly Rider, who was a Cherokee by blood, and the applicant states that to the best of her knowledge she was born in Fort Smith, Arkansas, but from the testimony of the witnesses introduced in this case it appears that she was born in Fort Gibson, Indian Territory, and that she remained here until she was possibly 9 years of age, and then she was taken to the Chickasaw Nation by her uncle, Buck Rider, where she has resided continuously since, and is living there at the present time. The tribal rolls in the possession of the Commission have been examined and her name is not found thereon. Her son, John G. Giles, her child by one man named Giles, is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the commission. For the further consideration of the Commission the applicant and her son will be listed for enrollment as Cherokee Freedmen upon a doubtful card; when the decision of the Commission is finally rendered she will be notified in writing at her present post-office address.

---****---

APPLICANT re-called, and further examined;

BY THE COMMISSION:

Q Where was John born? A Chickasaw Nation.
Q He ~~lived~~ never has lived in the Cherokee Nation? A No sir.

Melvina Williams et al 8

BY COMMISSION: It will be necessary that the applicant filed with the Commission satisfactory proof of the birth of her son, John G. Giles.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

D 1901 13

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 27, 1901

Post Office Otera, I. T.

District

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1-2. Name of wife Melvina Williams Age 36

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father John Smith dead Citizenship Cherokee

Mother Susan " dead Citizenship "

Names of Children:

2 ~~3~~. John G. Gilds Year ..... Page ..... No. ..... Dist. 18

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Doubtful

Application made by No 1. Stenographer, W. A. Green.

No 1 on copy of Final Roll in possession of the Commission

No 2. Birth cert. required.

20 FD1073

IN RE

Application for Enrollment of

INFANT CHILD

John N Giles

as a citizen of

Cherokee Nation.

Approved, October 8 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of John A Gilde (Here insert name of child), born on the 14 day of Nov. 1883

Name of Father: Mark Gilde, a citizen of the Cherokee Nation.

Name of Mother: Melvina Williams, a citizen of the Cherokee Nation.

Post-office, Okra Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. District.

I, Melvina Williams, on oath state that I am 36 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Lon Williams, who is a citizen, by adoption, of the Chickasaw Nation, that a Boy (male or female) child was born to me on the 14 day of Nov, 1883 that said child has been named John A Gilde, and is now living.

her
Melvina + Williams
mark

WITNESSES TO MARK

(Must be Two Witnesses) Alex Taylor
John W Hays

Subscribed and sworn to before me this 5 *day of* Oct 1901.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. District.

I, Rose Williams, a Midwife, on oath state that I attended on Mrs Melvina Gilespee, wife of William Lon Williams on the 14 day of Nov, 1883 that there was born to her on said date a Boy, (male or female) child; that said child is now living and is said to have been named John A Gilde

her
Rose + Williams
mark

WITNESSES TO MARK:

(Must be Two Witnesses) John W Hays
Alex Taylor

Subscribed and sworn to before me this 5 *day of* Oct 1901.

NOTARY PUBLIC

COPY.

20 FA 1073

IN RE

Application for Enrollment of

INFANT CHILD

John G. Giles

as a citizen of

Cherokee Nation.

Approved October 8 1901

F. B. Needles

Commissioner.

Dept of the Interior
Commission to the Five Civilized Tribes
Filed
Oct 8 1901
James Bixby
Acting Chairman,

BIRTH AFFIDAVIT. COPY. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of John G. Giles, born on the 14 day of Nov., 1883

(Here insert name of child.)

Name of Father: Mock Giles, a citizen of the Chic Nation.

Name of Mother: Melvina Williams, a citizen of the Cherokee Nation.

Postoffice Okra Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, Melvina Williams, on oath state that I am 36 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Sam Williams, who is a citizen, by adoption, of the Chickasaw Nation; that a Boy (Male or Female) child was born to me on 14 day of Nov. 1883; that said child has been named John G. Giles, and is now living.

her
Melvina + Williams
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Alex Taylor
John W. Hoyt }

Notary Seal

Subscribed and sworn to before me this 5 day of Oct. 1901.

C. P. Hoggard
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN. OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, Rose Williams, a Midwife, on oath state that I attended on Mrs. Melvina Giles, nee Williams, wife of Sam Williams on the 14 day of Nov., 1883, that there was born to her on said date a Boy (Male or Female) child; that said child is now living and is said to have been named John G. Giles

her
Rose + Williams
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { John W. Hoyt
Alex Taylor }

Notary Seal

Subscribed and sworn to before me this 5 day of Oct. 1901.

C. P. Hoggard
Notary Public.

VP 073

RECEIVED
OFFICE OF FIVE TRIBES.

Cherokee Freedmen D-1073.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Melvina Williams, et al., as Cherokee Freedmen.

It appears that on October 21, 1904, the applicant, her attorney, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 21st day of November, 1904, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person and by attorney, A.S.McRae, represented by J.J. Bulger.
Cherokee Nation by W. W. Hastings.

PATSY JOHNSON being duly sworn, testifies as follows:

BY COMMISSION
Q What is your name? A Patsy Johnson
Q What is your age? A I think I am about 56
Q What is your postoffice address? A Tahlequah, at this time.
Q Do you know Melvina Williams? A Yes,sir.
Q How long have you known her? A Been knowing her ever since she was a child
Q Where was she born? A Fort Gibson
Q When? A I can not tell the year, but soon after peace came, it was all peaceable then.
Q Do you mean two or three years after the war? A I can't tell, I wasn't there all the time, I was working first one place and then another.
Q Where has she lived since that time? A In the Chickasaw Nation I think, they carried her away, her uncle did.
Q Her uncle Buck Rider took her away? A Yes,sir; I haven't seen her since she was small.
Q Did you know her parents? A Yes,sir.
Q What was her father's name? A John Smith.
Q Was John Smith a slave before the war? A I don't know, he was a soldier when I knew him.
Q You know nothing about him before the war? A No, sir.
Q What was her mother's name? A Susie Smith.
Q Was she a slave at the beginning of the rebellion? A I think she was, but I wasn't acquainted with her only after she was married to this man.
Q You knew neither of her parents then until after the war?
A No sir.

Q Do you remember seeing this girl when she was small, in Fort Gibson? A Yes,sir.
Q And you know she lived there when she was small?
A Yes,sir, I knew her right there when she was about that high (Indicating)
Q About how old? A About four years old.
Q That was when she was taken to the Chickasaw Nation? A
A Yes,sir.
Q You never saw her after that time until the last few days?
A No, sir.
Q You don't know where she has lived since that time? A No sir, they said they took her to the Chickasaw Nation; that her uncle came and got her. She was living with my mother then.
Q Do you know where she lives now? A No, sir, I don't.

ALEX NEVINS being duly sworn, testifies as follows:

COMMISSION:
Q What is your name? A Alex Nevins.
Q You are about 60 years of age? A I am 59 .
Q Do you know Melvina Williams? A Yes,sir; I don't know her by that name b t she might have changed it.
Q What name did you know her by? A Melvina Rider.
Q How long have you known Melvina? A Well, I won't tell you just exactly to the day, but just after the war was ceased.
Q About how many years after the war ceased? A Well, I have been knowing her ever since the war ceased.
Q Was she born before the war? A No,sir, just after the war.
Q Where did you first know her? A I knew her about a quarter of a mile above old Fort Gibson, she lived up above there, just above that.
Q Who was she living with? A With her mother at that time.
Q What was her mother's name? A Susie Rider.
Q Was Susie a slave of a Cherokee citizen at the beginning of the Rebellion? A I suppose she was.
Q But do you know? A That's what they said; I never got acquainted with her until after the war come up.
Q What was her father's name? A I don't know sir.
Q You never knew him? A No, sir, I never knew him.
Q How long did Melvina live up there above Fort Gibson? A I couldn't tell you how long Melvina lived there, whether two years or three, about two years I think.
Q Then where did Melvina go? A Why, she moved over on the bayou with her mother; I know her mother and her both moved over there or somewhere up on Fourteen mile Creek.
Q When did Melvina go to the Chickasaw Nation?
A I couldn't tell you that.
Q Well, about how large a girl was she, A Well, about eight o nine years old, or ten I expect.
Q Well, how long has she lived over there; up to the present time? A I suppose so, I reckon that's where she has been living.
Q You don't know anything about her parents at the beginning of the rebellion? A No, sir, I don 't know anything about them.

BY MR. HASTINGS:
Q You never knew her father? A No,sir.
Q Were her father and mother married? A I don't know, I didn' t know her father.
Q Well, was her mother living with anybody as her husband at the time Melvina was born? A I don't remember her living with anybody at all.
Q If this woman swears that she was born at Fort Smith, is that correct? A No,sir, she was born at Fort Gibson.
Q You don't know just how many years after the war? A No,sir, I can't keep time.
Q You don't know how long she stayed there before she was taken away. A No,sir, not exactly, may have been two or three years.
Q You didn't know her mother in slave times, before the war?
A No,sir.
Q You don't know now that she lives in the Cjickasaw Nation?
A Just from what she says.
Q You don't know from your own knowledge where she lives?A Nosir

BY MR. BULGER:
Q Did you know Melvina's mother before the war? A I knew her during the war, because we all lived there together.
Q Did she go out of the Cherokee Nation during the war?
A No,sir.
Q Did she live in the Cherokee Nation in the year 1866?
Q Well, I guess she must have. She never was outside, she never has been outside the Cherokee Nation.
Q Was Melvina's mother a slave in the Cherokee Nation, the slave of a Cherokee citizen at the beginning of the war?
A I don't know, I reckon she was, but I didn't know her before the war.
Q Where was her mother living when you first knew her? A Up there above the Fort.
Q Living by herself? A Yes,sir, in a house to herself, about fifty yards from where I lived, in a house to herself.
Q Was that before the slaves were freed in the Cherokee Nation.
A No, I never knew her until the war started up . In time of the war was when I knew her. I never knew her before the war.
Q What time during the war did you meet her? A I don't know just what time. Didn't keep any dates.
Q Do you remember when she went to the Chickasaw Nation?
A No,sir, I do not.

BY MR. HASTINGS:
Q Did you know a colored man by the name of John Smith?
A If I knew him I have forgotten him.
Q You don't remember this woman ever living with a man named John Smith? A If she did I don't remember it.
Q You don't remember her living with a man named John Smith about the time this girl was born?
A No sir.
Q You may not have known her until after this girl was born?
A I got acquainted with her before this girl was born.
Q In what year did you get acquainted with her?
A I don't know what year it was.

Q You are not going to testify dates, are you? A No sir, I don't know them. I don't keep them.
Q She was no slave when you knew her? A This girl wasn't.
Q Her mother wasn't either?--A No, nor her mother wasn't then.

----- -----

Case Continued till Tuesday, November 22, 1904, at nine o'clock, A. M.

FANNIE MILLER being duly sworn, testifies as follows:

BY MR. BULGER:
Q What is your name? A Fannie Miller
Q Where do you live Mrs. Miller? A My home now is Wagoner.
Q Are you acquainted with Melvina Williams, the applicant in this case.? A I know the girl, yes sir.
Q Were you acquainted with the mother of Melvina Williams?
A Susie?---- Yes sir.
Q Susie what? A Susie Starr, I believe.
Q Where did you know her and when? A I knowed her all the time of the war , we all stayed together right back of the Garrison, Susie Rider, that was her name, not Starr, Rider.
Q Was Susie Rider the slave of a Cherokee citizen at the commencement of the war? A I suppose she was, I couldn't tell you nothing about her owner, she went by the name of Susie Rider and Buck Rider.
Q Did she go by the name of Buck Rider? A Oh, no sir, Buck Rider was her brother.
Q What year was it that you knew her? A Well, sir, I couldn't tell you the year; it was before the small-pox time. We all lived together up by the Garrison before the small-pox time, and when the small pox broke out we all lived right there together in little tents.
Q Did you know Melvina at that time? A Yes,sir, she was a baby, I knew her mother before Melvina was born.
Q When was Melvina born? A She was born after peace, I guess.
Q Where? A Right back of the garrison there.
Q In Fort Gibson? A In Gibson, and the lady th t nursed her, her name was Louisa Bean, she's living now.
Q Where does Louisa Bean live now? A She lives way over in the mountains, on Four Mile Branch, east of Fort Gibson.
Q What is her post of ice? A I don't know, I guess its Melvin, I think that's it. She's a woman now, she was a girl then.
Q Did Melvina have any brothers and sisters? A No sir she was the only child; Susie never had but one child to my knowing, Melvina is the only one.
Q Did Susie remain in Fort Gibson? A Yes,sir, she died in Fort Gibson?
Q About when ? A I can't tell, but she died after the small-pox as near as I can remember.
Q Do you know what became of Melvina then? A Her uncle took her away. He had a Chickasaw wife, and at that time everybody was going to their own homes and he went back to the Chickasaws with his wife and took this child with him.
Q Who was this person that took Melvina away? A Buck Rider, He was her uncle, Susie was his sister.
Q And Buck Rider took her?A Why yes, sir, she had no other people here so far as I know of. I think Berry Mayes was Buck's uncle.
Q Do you know whether or not Melvina returned from the Chickasaw Nation after she was taken down there?

A I don't know when she returned, I don't know anything about that, This is the first I have seen her since her uncle took her away. I have seen Buck, but I never have seen her, but I knew this child as soon as I got to talking with her, down here awhile ago.

Q You didn't know her mother before the war? A No, sir , she be onged to the Cherokees and I belonged to the Creeks .

BY MR. HASTINGS:

Q You don't know when Melvina was born? A No, I can't tell the month.

Q You don't know what year? A No, I can't tell the year, after peace, as near as I can come at it .

Q You don't know what year they took her away.

A She was a good sized girl.

Q Two or three years old? A Yes,sir, I know she was a good sized girl.

Q And you never saw her any more until to-day? A No, sir, she may have been here, but I never seen her until to-day. I don't come to Muskogee, often .

BY COMMISSION:

Q How long before Melvina was born was it that you got acquainted with her mother. A I got acquainted with her in time of the war.

Q At Fort Gibson? A At Fort Gibson, when we come here we followed the army around a while, and we landed at Fort Gibson the first day of March and we never did go anywhere else until peace, and when they said peace we began to scatter around, and then time of the small pox the officers made a kick about it, and said we was too thick together and ma e them scatter around.

Q And you say y u knew nothing of her parents before the war?

A No,sir, I didn't know them before the war.

Q You are certain that the m ther of Melvina Williams was living in Fort Gibson at the time of the small-pox? A Yes,sir, she was in Fort Gibson

Q How long do you think she had been there at that time? A I couldn't just exactly tell you how long, but we got acquainted there before peace.

Q And she lived there until the small-pox? A Yes,sir.

Q Then her uncle took her to the Chickasaw nation?

A Yes,she was a good sized girl.

Q Three or four years old? A Yes,sir, three or four years old I guess.

-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 30 day of November, 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedman
D 1073

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

--:--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That on September 27, 1901, Melvina Williams appeared before the Commission to the Five Civilized Tribes, at Fort Gibson, Indian Territory, and made application for the enrollment of herself and minor child, John G. Gilds, as Cherokee Freedmen. Further proceedings in the matter of said application were had on November 21 and 22, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That one Susan Smith, nee Rider, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who continuously resided in the Cherokee Nation from the commencement of said rebellion till her death, about the year 1869, was the mother of the principal applicant, Melvina Williams; that the said Melvina Williams was born about the year 1865, and is the mother of the minor applicant John G. Gilds; and that both the applicants herein have continuously resided within the limits of the Indian Territory since birth.

The records of this office show that one Buck Rider, deceased, whom the testimony in this case shows to have been a brother of the applicant Melvina Williams' mother, and it is strongly indicated, belonged to the same Cherokee citizen at the commencement of the rebellion, and who continuously lived in the Chickasaw Nation for thirty-five years next before his death on July 24, 1904, was listed by the Commission to the Five Civilized Tribes

for enrollment on Cherokee freedman card No. 1459, and is included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3979.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the rulings of the Department in the cases of Ezekiel C. McGlaughlin, (I.T.D. 7538-02), Mary J. Williston, (I.T.D. 7539-02), Sarah R. Murphy, (I.T.D. 1106-03), Samuel H. Keys,(I.T.D. 1378-02), David C. Dushane (I.T.D. 2800-03), and Hiram Blackfish (I.T.D. 2840-03), and in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Melvina Williams and John G. Gilds are entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly granted.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 31 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 1073

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Melvina Williams for the enrollment of herself and her minor child, John G. Giles, as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that the said Melvina Williams is the identical person testified about by Sandy and Moses Johnson as having been born at Fort Gibson, in 1864.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Commission has especially requested the testimony of Buck Rider. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that presented by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1073

Muskogee, Indian Territory, January 23, 1904.

A. S. McRea,

Attorney for Melvina Williams, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Melvina Williams for the enrollment of herself and her minor child, John G. Giles, as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that the said Melvina Williams is the identical person testified about by Sandy and Moses Johnson as having been born at Fort Gibson, in 1864.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Commission has especially requested the testimony of Buck Rider.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1073

Muskogee, Indian Territory, January 23, 1904.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor child, John G. Giles, as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that you are the identical person testified about by Sandy and Moses Johnson as having been born at Fort Gibson, in 1864. The Commission especially desire the testimony of your uncle, Buck Rider.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1073.

Muskogee, Indian Territory, February 13, 1904.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 1st, acknowledging receipt of notification to appear before the Commission at its offices in Muskogee, Indian Territory, on March 1, 1904, for the purpose of introducing additional testimony in the matter of your application for enrollment as a Cherokee Freedman.

It is noted that you state that your uncle, whose testimony the Commission has requested in your case, has been sick in bed since last May, and you ask to be advised if the Commission will accept an affidavit made by him to be filed in your case.

In reply you are advised that the Commission cannot accept affidavits as testimony in enrollment cases. You are requested to appear upon the date above mentioned and introduce such testimony as you may be able to offer and if at that time your uncle is still physically unable to give his testimony before the Commission, and his testimony is still considered to be necessary in your case, you will be further advised in regard to the matter.

Respectfully,

Commissioner in Charge.

(C O P Y)

Okra, I. T., February 23, 1904.

Mr. Bixby,

Muskogee, I.T.

Sir.

hear is my word Melvina Williams is my only beloved nease She is the only one I have got. her mother was name Susen she lived wright back of the forte and she moved up on the 14 mile creek and thare is whare She died at. She was my sister All from yours Truly Buck rider

I am myself disable to come Buck rider

Okra I T

COPY.

Cherokee Freedmen
D-1073

Muskogee, Indian Territory, October 21, 1904

A. S. McRae,

Attorney for Melvina Williams et al.

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Melvina Williams, et al., as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to where and when the said Melvina Williams was born and as to her residence since that time. In this connection you are advised that the Commission particularly desire the testimony of Buck Rider, uncle of the said Melvina Williams.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby
Chairman

Register

COPY.

Cherokee Freedmen
D-1073

Muskogee, Indian Territory, October 21, 1904.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yburself and your minor child, John C. Gilds, as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show where and when you were born and your residence since that time. The Commission particularly desires the testimony of your uncle, Buck Rider.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 2., 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register

Chairman

COPY.

Cherokee Freedmen
D-1073.

Muskogee, Indian Territory, June 23, 1905.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 14, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, December 12, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings in the following Cherokee Freedmen Enrollment Cases on the date indicated.

November 15, 1904.

Howard Bushyhead, Cherokee Freedman D-980.

Jacksie Ann Markham, et al., Cherokee Freedmen R-346.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Eliza A. Arnold, Cheokee Freedman D-74.

Rachael Graves, Cherokee Freedman D-1131.

John Lynch, Cherokee Freedman D-386.

Mary Gunter, et al., Cherokee Freedmen R-166.

George Amos Mayfield, et al., Cherokee Freedmen R-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedmen 40.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedmen R-37.

Melvina Williams, et al., Cherokee Freedmen D-1073.

Calvin Boins, et al., Cherokee Freedmen R-179.

November 22, 1904.

Charlotte Potts, et al., Cherokee Freedmen R-338.

November 23, 1904.

Eliza Robinson, Cherokee Freedman D-161.

Nancy Fairchild, et al., Cherokee Freedmen R-326.

November 17, 1904.

Charley Bowland, et al., Cherokee Freedmen R-335.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Encl. OG-19.

COPY.

Cherokee Freedman
D-1073.

Muskogee, Indian Territory, December 12, 1904.

A. S. McRea, Attorney for
Melvina Williams, et al.,
Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed copy of supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the matter of the application for the enrollment of Melvina Williams, et al., as Cherokee Freedmen, also a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904 in the matter of the application for the enrollment of Calvin Goins (R-179) as a Cherokee Freedman, together with two blank receipts which you are requested to fill out, sign and return to the Commission.

Respectfully,

Tams Bixby.
(SIGNED). Chairman.

Encl. OG-33.

Cherokee Freedmen
D-1073

Muskogee, Indian Territory, January 7, 1905.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one John G. Gilds as a Cherokee Freedman. The records further show that said John G. Gilds is the son of one Mark Gilds, a Chickasaw Freedman.

It is requested that the Cherokee Division be advised whether or not these parties have applied to be enrolled as Chickasaws, either as freedmen or by blood, and if their names have been placed on the final rolls of the Chickasaw Nation, as citizens of said Nation, that their numbers be given, with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby
Chairman.

W.C.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 7, 1905, in which you state that the records of your Division show that John G. Gilds, son of Mark Gilds, a Chickasaw freedman, is an applicant for enrollment as a Cherokee freedman. You therefore request to be informed if either Mark Gilds or his son John G. Gilds are applicants to the Commission for enrollment as Chickasaw freedmen.

In reply to your letter you are informed that it does not appear from our records that application has been made to this Commission for the enrollment of Mark or John G. Gilds as Chickasaw freedmen.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-1073.

Muskogee, Indian Territory, April 10, 1905.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 31, 1905, relative to your enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, June 22, 1905.

Commissio to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I return herewith Cherokee Freedman case Melvina Williams, et al, D-1073. The decision as at present prepared admits this woman and her child to enrollment. As indicated by the note I have made on the case, I believe the evidence in her favor is insufficient. The child has no claim except through its mother.

The woman is about 36 years of age, or at least was about that age in 1901 at the time of her application and she is not upon any roll of the Cherokee Nation; neither is it shown by any evidence, except simply supposition on the part of witnesses, that either this woman or either of her parents was a slave at the beginning of the civil war, or at any period, of a Cherokee citizen. The line of claim seems to be that Melvina Williams, who apparently was born about a year after the close of the war, derives her right through her mother, presumably the slave of a Cherokee citizen, and who died very soon after the birth of this applicant.

In addition to its not being satisfactorily established that either Melvina Williams or her mother belonged to a Cherokee

citizen, it is not definitely shown that the mother returned to the Cherokee Nation as required by the treaty of 1866. The whole testimony as to that period is both doubtful and conflicting in character. Buck Rider, (apparently a Chickasaw) and a brother of this woman's mother, should be able to give satisfactory evidence as to the ownership of his deceased sister. I am a good deal inclined to the opinion that the mother of this applicant was a Choctaw or Chickasaw and that she was living at Ft. Smith in the state of Arkansas at the close of the war and possibly that at some indefinite period she drifted up to Ft. Gibson and lived in that general vicinity for a few years until she died.

As the case now stands, I feel constrained to vote in the negative. It may be that Buck Rider can give or suggest testimony that will put a somewhat different face on the matter.

Respectfully,

C. R. Buckner

Commissioner.

Enc. H-190

INDEXED.

COMMISSION TO FIVE TRIBES.
I.C.
30890
1905
Received
JUN 23 1905

Cherokee Land Office,
Tahlequah, I.T.,
June 22, 1905.

Returns Cherokee freedman
case of Melvina Williams
et al.

Cherokee Freedmen

D-1073.

COPY.

Muskogee, Indian Territory, October 31, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of Melvina Williams and her son, John G. Gilds, as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. S-14

Cherokee Freedmen

COPY.

D-1073.

Muskogee, Indian Territory, November 27, 1905.

Melvina Williams,

Okra, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of yourself and minor son, John C. Gilds, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections in the Cherokee Nation until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED.

Acting Commissioner.

Incl. S-196

Cherokee Freedmen COPY.

D-1073.

Muskogee, Indian Territory, November 27, 1905.

A. S. McRea,

Attorney for Melvina Williams, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of Melvina Williams and John C. Gilds as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

Respectfully,

(SIGNED) Tams Bixby

Acting Commissioner.

Incl. S-197

This is a
Doubtful Case
should Prove
but Contrary
to Buck Riders
Statute when
Proves a Slave
born at Fit Gibbon
Without Sea
Coast Bay
May 1st
1738

Muskogee 3/12/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the

matter of the application of Mehrine Williams et al

for enrollment as citizens

of the Cherokee Nation.

Cherokee Fl. No. 11473

U S McRea
Jr.

Cher Fr 1493

Trans. from Cher Fr D244

Cher Fr 1493

Department of the Interior.
Commission to the Five Civilized Tribes
Vinita, I. T., May 10, 1901.

In the matter of the application of Joshua Martin, Sr., for the enrollment of himself, his wife, Ella Martin, and his three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joshua Martin, Sr.
Q How old are you? A I don't know sir, how old I am.
Q About how old? A I guess about 34.
Q What is your postoffice address? A White Oak.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A I got three children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Ella Martin.
Q Is she a citizen? A Yes sir.
Q Do you want to ###### apply for her enrollment? A No sir, just myself.
Q Why don't you apply for your wife - are you living with her?
A Yes sir.
Q Why don't you apply for her? A I don't know whether I can enroll her or not.
Q What is her name? A Ella Martin.
Q What was her father's name? A Charles Martin.
Q What was her mother's name? A Eliza Martin, is all I know.
Q Are they living? A Yes sir.
Q Are they any relation to you? A No sir.
Q Different family? A Yes sir, different family.
Q When were you married? A I was married in - I have been married six years in April.
Q Married in '95 then? A Yes sir.
Q In April, 1895? A Yes sir.
Q Now, what are the names of your children? A Julia Martin.
Q How old is Julia? A Five years old.
Q The next child? A Herman.
Q How old is Herman? A Three years old.
Q The next? A The next one is named Hester.
Q How old is Hester? A She was born in 1900.
Q These children all living at this time? A Yes sir.
Q What is your father's name? A Jake Martin; he is dead.
Q What is your mother's name? A Sarah Ann Martin.
Q Were you born in the Cherokee Nation? A Yes sir.
Q These children born in the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880, is it? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you get your strip money? A Yes sir. My name is on the Clifton Roll; it is Joshua Downing, which is a mistake.
Q How did it happen to be that way? A I don't know; I never went in.
Q Did you get the money? A Yes sir.
Q How did you get the money then? A Mother got the money; I was in Fort Smith.
Q In jail at Fort Smith? A No sir, wasn't in jail.
Q Do you know Eliza Jones? A Yes sir.
Q Who is she? A She is a cousin of mine.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2918, Josh Downing, Cooweescoowee District.

Q Did you draw strip money for your wife? A Yes sir.
Q Were you married then? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant's wife is found on page 158, No. 3431, Ellen Martin, Cooweescoowee District.

Q Who married you? A Preacher Tucker.
Q Is he living? A Yes sir.
Q Did he give you any certificate of marriage? A No sir.
Q Do you know where he lives? A Yes sir.
Q You want to get a certificate of marriage and send to us.
Q You are the son of Sarah Ann Martin? A Yes sir.
Q You don't know anything about your mother being a slave and taken out of the country? A No sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q What proof have you got of the citizenship of your wife? A I haven't got any. She drew money twice.
Q She is not on the roll of 1880, and you got to have some proof of her citizenship. Is her father living? A He was here this morning.
Q Has he enrolled? A No sir, he aint enrolled.
Q Is your wife, Ella, here? A Yes sir.
Q You better not apply for her and see if her father enrolls; her citizenship will depend upon his. Is her mother living? A Yes sir.
Q Do you know what her mother's name was before she married Charles Martin? A No sir.
W. W. Hastings: Your wife was born in Texas, wasn't she? A I don't know; I couldn't say anything about that, I never knowed them.

Joshua Martin, Sr., applies for the enrollment of himself, his wife, Ellen, and his three children, to-wit: Julia, Herman and Hester. His name is not found upon the authenticated roll of 1880, neither is the name of his wife; neither is the name of his wife's father and mother identified upon said roll; he avers that he is married to one Ella Martin, the child of Charles and Eliza Martin, but presents no certificate of marriage; he avers the result of said marriage he has three children for whom he applies. Reference is made to the testimony taken in the case of his mother, Sarah Ann Martin, on D Card 239, and said testimony will be made a part of the testimony in the case at bar. Consequently, Joshua Martin, Sr., his wife, Ella Martin, and his three children as enumerated herein will be listed for enrollment as CherokeeFreedmen upon a doubtful card, awaiting further consideration by the Commission. It will be necessary in this connection for the applicant to file with this Commission satisfactory proof of births of said children, their names not appearing upon any roll, and also a certificate of marriage certifying to the marriage of himself to his wife, Ella. The name of his wife, Ella, is found upon the Kern Clifton Roll, but no proof is presented as to her citizenship.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner.

VB. F.D.-244-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 1901

CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10, 1901

Post Office White Oak I.T.

District Coowescoowee

1. Name Joshua Martin Jr. Age 24

Owner's name Citizenship

Year R.C. Page 117 No. 2918 District Coo

Parents:

Father Jake Martin - dead Citizenship Del John Martin

Mother Sarah A. Martin - living Citizenship Coo " "

2. Name of wife Ella Martin Age 23

Owner's name Citizenship

Year R.C. Page 138 No. 3421 District Coo

Parents:

Father Ekas Martin - living Citizenship Coo "

Mother Eliza " - living Citizenship "

Names of Children:

3. Sophia Martin Year — Page — No. — Dist. — 5

4. Kennigan " Year — Page — No. — Dist. — 3

5. Walter " Year — Page — No. — Dist. — 1

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer E.C. Rothenberger

Jos. R.C. Coll as Josh Downing

& " " " " " Ellen Martin.

3 Affidavits & birth records

Certificate of Marriage to be furnished.

XI 5-54

1908 244

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 17 1901

ACTING SECRETARY.

To be filed in case of Joshua Martin, Sr., D 244, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16,1901.

In the matter of the application of Johnson Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your name? A Johnson Downing.
Q Who is it you want to have put on the roll? A Just myself.
Q How old are you? A 25.
Q What is your post-office? A Catale.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A I am supposed to be.
Q Are you on all the rolls? A No sir, I am on the Wallace roll Johnson Downing and on the Kerns roll it is Josh Downing, but they made a mistake.
Q Give me the name of your father? A Elias Downing.
Q Is your father dead? A No sir, he is out there.
Q Give me the name of your mother? A Phoebe.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I don't know sir.
Q Was your mother a Cherokee Freedman? A I don't know sir.
Q Does your father claim to be a Cherokee Freedman? A Yes sir.
Q Have you any sisters? A Yes sir.
Q How many? A Lizzie and Malonie and one named Jennie, she is dead.
Q Your father has married since your mother died? A Yes sir.
Q What is the name of his present wife? A Mary.
Q Mary E. Downing? A I suppose it is.
Q Your sister, Malonie, is she your full sister? A No sir.
Q She is a daughter by the last wife, and your half sister? A Yes sir.

Com'r Breckinridge: Reference is made here to the case of Elias Downing, Cherokee Freedman roll, D 245, to determine the status of the father of the applicant.

Q Where is your father now? A He is out there.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon, neither is the name of his father found thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Dalton Pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 117 #2918 Josh Downing, Coowescoowee District.

Com'r to roll clerk: Who is he with? A He is with Mary Looney, a child, and Elizabeth Jones.
Com'r: Isn't he with Elias? A I don't see anything of Elias.

Q Who is Mary Looney? A My half sister.
Q She is your father's child by your step-mother? A Yes sir.
Q By his present wife? A Yes sir.
Q Who is Elizabeth? A That's my full sister.

ELIAS DOWNING, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Elias Downing.
Q How old are you? A I am about 58 years old I suppose.
Q What is your post-office? A Chelsea.
Q You apply for enrollment a few days ago? A Yes sir.

Com'r: His case is Cherokee Freedman, D 245.

Q Is this applicant here your son? A Yes sir.
Q Have you a son named Joshua? A No sir.
Q Who is that Joshua Downing intended for on the Kerns-Clifton roll in your family? A It must have been a mistake in taking the name when I give in Johnson's name.
Q This is the only one it could be for? A Yes sir.
Q This is all the son you have got? A Yes sir.
Q All the son you had at that time? A Yes sir.
Q So they just got it down Joshua instead of Johnson? A Yes sir, the mistake was made in that way.
Q Do you know a man named Joshua Martin? A Yes sir.
Q Does he live in your neighborhood? A Yes sir.
Q About how old ~~is~~ a man is he? A He is about 26 years old.
Q What is the name of his wife? A Ella Martin.
Q How many children have they? A Three as well as I recollect.
Q Did you ever hear that that Josh a Martin drew Strip money that belonged to your son? A Yes sir, I was right there when he drawed it, but it seemed like they had everything their way, and he drawed it.
Q He drew it under the name of Joshua Downing? A Yes sir.
Q They seemed to think that Joshua Downing was more like Joshua Martin than it was Johnson Downing? A I guess so.
Q What is the name of the father of this Joshua Martin who drew your son's Strip money? George Bean ishis father.
Q What is the name pfhis mother? A Sarah Ann Martin.
Q Is the father living? A No sir.
Q Is the mother living? A Yes sir.
Q What is the post-office of this Joshua Martin you are talking about? A Chelsea.
Q How far is it from White Oak? A About four miles.
Q Well, White Oak might be his post-office? A Well, that might be.

Wallace roll /s citizens of the Cherokee Nation exmin d and applicant identified thereon as Bill was:
page 110 #2340 Johnson Downing, Delaware District.

Q When did you marry your wife, Phoebe? A I married her I guess in '69, somewheres about that time.
Q Was she your first wife? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Had she been a slavein the Cherokee Nation before the war?
A No sir, not my first wife, wasn't.
Q Phoebe had not been? A No sir.
Q Where did you marry her? A I married her in Texas.
Q How long after you married her was it before you came to the Cherokee Nation? A Well, I came right after I married her.
Q Whereabouts in Texas was it you married Phoebe? A In Ellis Co.
Q You were a slave in the Cherokee Nation before the war? A Yes sir,
Q And you were carried down to Texas during the war were you?
A Yes sir.
Q And you came back soon after your marriage, is that right?
A Yes sir.
Q Have you lived in the Cherokee Nation ever since you came back in 1869? A Yes sir, ever since I cameback the last time, I married in 1869 and I cameback right afterwards, and I have been living in the Nation ever since.
Q Were you in Texas from the time you were carried down there during the war until you married in 1869? A No sir, I came up here ~~xxxxxxxxxx~~ in '66 and then went back down there again.
Q How long did you stay up here when you came in '66? A Oh I staid a year or such a matter.
Q And then went back down into Texas? A Yes sir.
Q And staid there until you married? A Yes sir.
Q Where did you stay during the year you were up here, in '66?
A Staid with my father.
Q Is your father living? A No sir, he is dead.
Q Give me your father's name? A Reuben Downing.

Q To whom did you belong in the Cherokee Nation at the time the war broke out? A Belonged to Eliza Wright.
Q Was she a recognized Cherokee citizen? A Yes sir.
Q Who is living at this time that you lived with besides your father when you came here in '66? A I was around there at Frye's and Crap Lynch.
Q Name some people that are now living? A Andy Frye and Crap Lynch.
Q What time in '66 did you come back to the Cherokee Nation?
A Well, it was sometime along in the summer or fall of '66
Q What time of the year were you married in? A I disremember what time I was married in.
Q Was it spring? A That is, my first wife.
Q I mean your first wife, Phoebe? A I disremember what time of the year it was.
Q Did you vote down in Texas? A No sir, I didn't vote there.
Q When did your wife, Phoebe, die? A She had been dead about 21 years, or 22.
Q Died when this son was quite young? A Yes sir, he was a little bit of a thing.
Q Where did she die? A She died down here in Delaware District on Grand River.
Q Did she live with you in the Cherokee Nation until shedied?
A Yes sir.
Q From the time of your marriage until she died? A Yes sir.
Q And this son, was he born in the Cherokee Nation? A Yes sir, he was born here.
Q What was the occasion of your going back to Texas? A I used to go back, I had to work around and make a living, and I used to return there to work.
Q Did you make crops down there? A Yes sir, I made one crop.
Q Did you make a crop in the Cherokee Nation when you came back as your state in '66? A I stayed with my father, he was cropping there
Q Did you go back to Texas to make your home down there? A No sir, if I had I would have staid down there.
Q You came back to the Cherokee Nation in '66 to make your home?
A Yes sir, I was hunting my people.
Q But you didn't stay in the Cherokee Nation? A Well, I found them then I had other people back down there you know.
Q You had kin-folks back in Texas? A Yes sir.

Com'r Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life; he is not identified on the roll of 1880 or on the roll of 1896, but he is identified on the Wallace roll and the Kerns-Clifton roll as a Cherokee Freedman; it appears that his mother was a Texas woman, and married to his father in the State of Texas in 1868, at which time the applicant's father brought her to the Cherokee Nation where she lived with her husband until her death, some twenty years or more ago, and that that marriage was the first marriage on the part of either the father or the mother of the applicant; in regard to the father's status, to know, under these conditions the applicant must derive his rights, reference is made to his case, the case of Elias Downing and others, Cherokee Freedman, D 245; reference is also made to Cherokee Freedman D 244, the same being the case of Joshua Martin, Sr., the latter reference is material only as effecting the rights of Joshua Martin Sr., as he is conclusively shown in this testimony to have been credited erroneously with the Kerns-Clifton enrollment of the present applicant; said Joshua Martin Sr. being altogether another man and of another family; a copy of this testimony will be filed in his case and he will be notified of the apparent error in his accredited enrollment, and the fact of that notification will be entered on his card; it is also desired that a note be made upon the card D 245, Elias Downing, calling attention to his additional testimony in this case;

Johnson Downing 4

The applicant, Johnson Downing, will now be listed for enrollment as a Cherokee freedman on a doubtful card, and the final decision of the commission will be made known to him at his post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 17, 1901.

C. R. Breckinridge.

Commissioner.

A 3P 244

Supplemental. D - F. 244.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 16, 1901.

In the matter of the application of Ella Martin for the enrollment of herself as a Cherkee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ella Martin.
Q How old are you? A I am about 22 years old.
Q What is your postoffice address? A White Oak.
Q Are you married? A Yes sir.
Q What is your husband's name? A Josh Martin.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q What district do you live in? A Coowescoowee.
Q Is your name on the roll of 1880? A I don't know sir.
Q Who do you apply for besides yourself? A Why Josh has already enrolled my children.
Q You just apply for yourself? A Yes sir.
Q Why didn't your husband enroll you when he enrolled himself? A He asked you and you said 'No; they said I had to wait ~~#####~~until father come in.
Q Is your father here? A Yes sir.
Q What is your father's name? A Charley Martin.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Eliza Martin.
Q Is she living? A Yes sir.
Q Where were you born? A I don't know sir.
Q Where have you lived all your life? A Been in the Cherokee Nation.

Charles Martin, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Charles Martin.
Q What is your age? A About 59.
Q What district do you live in? A Coowescoowee.
Q Have you been enrolled? A Yes sir.
Q Your name is not found on the roll of 1880? A No sir.
Q Is the applicant here, Ella Martin, your daughter? A Yes sir.
Q Where was she born? A She was born in the Cherokee Nation.
Q You were out of the Cherokee Nation during the war, were you?
A Iwas out of the nation.
Q Was your daughter Ella born after you come back here? A Yes sir.
Q Her husband's name is Joshua Martin? A Yes sir.
Q Same name as ~~here~~? A Yes sir.
Q Any relation? A No sir.
Q Different families? A Yes sir.

(The enrollment for the applicant has been given in the original testimony.)

Q Her citizenship will follow yours, would it? A Yes sir.
Q The facts in your case have been taken, have they? A Yessir.

Ella Martin applies for the enrollment of herself. She avers that she is the wife of Joshua Martin , and that her three children were enrolled by her husband. She avers that she is the child of Charley and Eliza Martin, and the said Charley and Eliza Martin have been enrolled on D,Card 317; reference is made herein to the testimony taken in the matter of the application for the enrollment of Charley and Eliza Martin, and the testimony taken in that case will be made a part of the record in the application taken in the case of the applicant. She is duly identified and makes satisfactory proof as to residence, consequently Ella Martin will be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration by the Commission. She will be notified of the action of the Commission in her case by mail.

S- E. M.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. J. Rothenberger

Subscribed and sworn to before me this 18th day of May, 1901.

C. R. Breckinridge

Commissioner.

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To be filed in case of Joshua Martin, Sr. et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 68 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Coowescoowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to?m A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married atthat time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No, sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
T. B. Needles: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you come? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.

Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living with her; I seen her there.
Q When you returned from,Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q Howmany ~~[illegible]~~ of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynah, Andy Frey; they all lived there.

Q How long after she come down? A It hadn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
W. W. Hastings: Were you living with your husband in Kansas?
A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you come, did your husband come? A About a year.
Commissioner: Did you draw for Ocie? A No,sir, I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Comission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 335, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

D. Rothenberger

Subscribed and sworn to before me this 15th day of July, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

To be filed in case of Ella Martin, D - 244.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16th, 1901. D-317.

In the matter of the application of Charles Martin for the enrollment of himself, four children and one grand-child as Cherokee Freedmen, and for the enrollment of his wife as a Cherokee Freedman by inter-marriage; He being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Charles Martin.
Q For whom do you apply for enrollment? A Myself and my children and a grandchild.
Q Have you a wife? A Yes sir.
Q Do you apply for her? A No sir she is a state woman.
Q You can apply for her also. How many children have you? A Four.
Q Then you apply for yourself, wir wife, four children and a grand child? A Yes sir.
Q How old are you? A 59 or '8.
Q What is your post office? A Chelsea.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A Ever since I been here--all my life.
Q You claim to have lived here all your life, do you? A Yes sir, except during the war.
Q Are you a recognized citizen of the Cherokee Nation? A I dont know I am a citizen, dont know if I am recognized or not.
Q Give me the name of your father? A Charles.
Q Is he dead? A Yes sir.
Q Has he been dead ever since the war? A No sir he died since the war--he died here.
Q About how long ago? A In the 70's some time.
Q Give me the name of your mother. A Mary Martin.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She dies in the 70's some time.
Q Who was your master before the war? A Price Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Is he dead? A Yes sir.
Q Did you belong to him when the war broke out? A I belonged to his widow when the war broke out.
Q Give me her name? A Sarah Martin.
Q Give me your wife's name? A Eliza.
Q How old is she? A 48.
Q Give me her father's name? A I dont know it.
Q Give me her mothers name? A Gillie Collins.
Q Is Gillie Collins alive? A No sir she is dead.
Q How long has she been dead? A I dont know.
Q Does your wife make any claim to Cherokee citizenship of her own right? A No sirjust as my wife.
Q Where did you marry her? A In Texas.
Q When did you marry her? A I have been married about 27 or '8 years.
Q How long after you married did you come to the Cherokee Nation? A I was working on this railroad over there when I married.
Q Did you leave her in Texas or bring her up here? A I left her there a while and then brought her here.
Q How long has she been living inthe Cherokee Nation? A For 18 or 19 years.
Q Before that was she mostly in Texas? A Yes sir, I and her was working on the railroad, that was inside of the Territory, I had her along with me, I had a tie camp.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A Yes sir.
Q How many times? A Once.
Q Was that husband dead when she married you? A Yes sir.
Q What was his name? A Ned Watson, was his name.
Q Did she marry him in Texas? A Yes sir.

Q Did he die in Texas? A Yes sir.
Q How long had he been dead when you married your wife? A Two years they said, I never saw him.
Q Now give me the names of your children? A Edna Martin.
Q How old? A 18 years.
Q Next child? A James.
Q How old? A 16.
Q The next child? A Joe.
Q How old? A 13.
Q The next child? A Jennie.
Q How old? A 10, and then I have a grand-child.
Q What is the name of your grand-child? A Pearl Martin.
Q How old is Pearl Martin? A 9 years old.
Q Is this child a boy or a girl? A A boy.
Q Is this boy a child of your daughter? A Yes sir of Mary.
Q Was her name Martin when she died? A Yes sir.
Q Was she ever married? A No sir.
Q Where was your daughter Mary born? A In Texas.
Q Where did she die? A Here.
Q How old was she when she died? A She died in '95.
Q How old was she then -- or how old would she been now if she were living? A She would be about 26 years old now.
Q When did she come to the Cherokee Nation? A I brought her when I come.
Q Where was Edna born? A Edna was born on the railroad.
Q In what country? A In the Chickasaw Nation in Boggy Depot.
Q Where were the others born? A In the Cherokee Nation where I am living now.
Q Have you lived in Texas up to the time that Mary was born? A No sir I was living on the railroad.
Q When did you first come to the Cherokee Nation after the war?
A I come here in '66.
Q Where did you come to? A On the forks of Cabbin at Charles Landrum's old place.
Q What time in 1866? A I was long in the spring.
Q Who can you prove that by? A Al Lynch.
Q How long did you live in the Cherokee Nation when you come here in '66? A I staid here until long in '73 or '4, I guess.
Q Where did you go then? A I went to work on the railroad in the Chickasaw Nation.
Q And while working on the railroad you went into Texas? A Yes sir when the railroad got to Red River I went into Texas.
Q And there married? A Yes sir.
Q How long did you work on the railroad? A From here down into Texas.
Q I asked you how long you worked there, not where you worked? A I dont remember exactly.
Q Was it one year or two years? A I worked there longer than that, it was 3, 4 or 5 years.
Q What did you do then? A I come home.
Q What kind of work did you follow when you quit the railroad?
A Farming.
Q In the Cherokee Nation? A Yes sir.
Q Have you been farming here ever since? A Yes sir.
Q You were in the Cherokee Nation then in 1880? A Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants not found thereon.

Note by Com'r Breckinridge:
A Mary Martin is found on the roll of 1880 with General Blunt Martin and others, but the applicant says they are the children of his brothers family; and this Mary Martin is not found on the roll of 1880.

The 1896 census roll of the Cherokee Nation examined and the applicants not found thereon.

Q Did you draw your Cherokee Strip money? A Yes sir.
Q Did you draw for your children also? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 138, No. 3419, Charles Martin, Cooweescoowee District.
Page 138, No. 3422, Edna Martin, Cooweescoowee District.
Page 138, No. 3423, Jim Martin, " "
Page 138, No. 3424, Joe Martin, " "
Page 138, No. 3425, Jennie Martin, "

The name of applicant's wife not found on the Kerns Clifton roll.

Q Is there any Pearl in this family besides this grand child? A No sir this is the only one.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant's grand child identified thereon as follows Page 138, No. 3420, Pearl Martin, Cooweescoowee district (Child of Charles)

Q You have no daughter named Pearl? A No sir.
Q You have a grand daughter named Pearl? A No sir.
Q You have just applied for a grand daughter named Pearl? A No sir for a grand son.
Q So you think this Pearl enrolled with you on that roll must have been intended for your grand son Pearl for whom you are applying now? A Yes sir.

Note by Com'r Breckinridge: This child is identified on the applicant's family.

The Wallace roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 124, No. 2603, Charles Martin, Cooweescoowee district.
Page 124, No. 2606, Edna Martin, Cooweescoowee ".

By Cherokee Representative, Cale Starr:

Q With whom did you return in '66 from Texas? A I never went to Texas.
Q When you went south during the war, who did you come back with?
A I never went south.
Q Where had you been? A To Kansas.
Q Who did you come back to the Cherokee Nation with from Kansas?
A With Tom Waity, my uncle.
Q How long did you stay on the Landrum place? A Three or four weeks.
Q Where did you go to from there? A To my uncle's, Simon Lynch's.
Q How long did you stay there? A Three weeks.
Q Where did you go then? A To my old home place where I was raised on Blue Rider's.
Q How long did you stay on your old home place? A I didn't gether

I started there and heard of all the old folks that I knowed was gone and so I comed back.
Q Where did you go to when you started to your old home place? A To Captain Jackson's and went to work.
Q How long did you work there for Captain Jackson's? A Something over a year, moved that mill from Fort Gibson to Chouteau and sawed lumber till the railroad came and than I went to work there.
Q Did you ever work for Simpson Bennett? A Yes sir.

Allen Lynch called and sworn by Commissioner C. R.Breckinridge as a witness on the part of the applicant, testified as follows:
Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your post office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Where were you during the war? A I was in the army.
Q When the war closed, where did you settle? A On Grand River.
Q How far from here? A 10 or 15 miles.
Q Right in the river bottom? A Yes sir; when I first came back I come to the east side of Grand river, and in the next spring I came to a little creek over here and staid until July and then went to Cabbin Creek.
Q When did you come to Cabbin Creek? A In '66.
Q What part of Cabbin Creek? A Close to Lewis Kell's place.
Q Is that near the mouth of Cabbin Creek? A No sir near the mouth of Mustang creek which runs in to the Cabbin.
Q How far from the mouth of Cabbin? A 5 or 6 miles.
Q What does Cabbin empty into? A Grand river.
Q How long did you stay there? A Until October.
Q Of '66? A Yes sir.
Q Where did you go then? A In Six Mile Bottom.
Q Of Grand River? A Yes sir.
Q How long did you stay there? A A month and then moved on the other side of the river.
Q Did you settle in the Grand river bottom? A Yes sir.
Q On the east side? A Yes sir.
Q How long did you stay there? A Until 67 or 8 I reckon.
Q Where did you go then? A I went to Hellen Thompson's mill.
Q Is that on Grand river? A On Brushey.
Q On the east side of Grand river? A Yes sir.
Q How long did you stay there? A All that summer.
Q That brought you up to the last of 1868? A Yes sir.
Q When you went up on Cabbin Creek, how far were you from what are called"The Forks of Cabbin Creek"? A Cabbin creek -- the forks of Cabbin creek---there is Little Cabbin and Big Cabbin which forks down here a ways; Little Cabbin empties into Big Cabbin, are them the forks.
Q Well how far were you from what is called Cabbin Forks? A Five or six miles.
Q You were not living on Cabbin Forks then? A No sir, I was living on the forks of Cabbin and Mustang Creek.
Q But you were not living on what is known as Cabbin Forks? A No sir.
Q How far is Cabbin Forks from this place here? A Well the place where Little Cabbin empties into Big Cabbin is about three miles from here, or so.
Q How far from where you lived on Cabbin? A 7 or 8 miles.
Q Do you know the applicant here? A Yes sir.
Q Charles Martin? A Yes sir.
Q How long have you known him? A Ever since we were boys.
Q To whom did he belong at the time of the war? A Sarah Martin.

Q Was she a Cherokee citizen? A Yes sir.
Q He was a slave in the Cherokee Nation after the war broke out?
A Yes sir.
Q When did you first see him after the war closed? A At Lewis Roe's [redacted] on Cabbin Creek.
Q In what year was that? A In '66.
Q Where had he come from? A I dont know.
Q But he was up there? A Yes sir, when I went there he was there.
Q How far was that from your place? A Four and a half or five miles.
Q Below you? A Yes sir, Lewis Roe was living on the old Landrum place on the old Military Road.
Q And below you? A Yes sir.
Q How far below you? A 4 or 5 miles.
Q Was this man living there? A No sir just stopping there.
Q Who do you know of him from then until now? A I never saw him from then until he was working on that railroad.
Q What was he doing on the railroad? A He told me he was making ties. I have seen him here ever since the Wallace rollon Pryor Creek.

By Cale Starr:

Q How long did he stay at Lewis Roe's? A I dont know
Q What time of the year was it that you saw him there? A It was in October or September.
Q Are you positive that it was in the year 1866? A I know it was in '66.

By the Commission:

Q Do you know this man's wife? A No sir.
Q Have you never seen her? A Yes sir I have seen her, I am not acquainted with her though.
Q You dont know her name? A No sir.
Q Would you know it if you heard it? A I dont know if I would or not.
Q [redacted] Did he ever teal you where he had married? A Nosir.
Q Have you ever seen his children? A Yes sir I have seen them, I have seen his wife too, but cannot call her name.
Q Is her name Eliza? A I cannot tell you to be positive.
Q Have you ever heard of his marrying more than once? A No sir.

Mose Hardrick, called and sworn by Commissioner C. R. Breckinridge, as a witness, testified as follows on the part of the applicant:

Q What is your name? A Mose Hardrick.
Q How old are you? A 71.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A All my life, until now.
Q Do you know this applicant, Charles Martin? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Eliza.
Q How long have [redacted] they been married as far as you know?
A I cannot tell you.
Q How long have you known her as his wife? A 10 or 12 years as near as I can come at it.
Q They have got some children, and a lot of them? A Yes sir.
Q Some of them are grown men and women? A Yes sir.
Q Do they all pass for the children of this man and woman? A Yessir.
Q How long have you known this man? A Ever since he was a baby.

Q Did you ever hear of him marrying before? A No sir.
Q Did you ever hear of her being married before? A No sir have only known her as his wife.
Q Are they living together now? A Yes sir they were when I left home.
Q When was that? A That was last Monday.

By Com'r Breckinridge-

The applicant applies for the enrollment of himself, his wife and four children, and one grand child; he is identified on the Wallace and Kerns-Clifton rolls but not on the roll of 1880 or the census roll of 1896; it appears that he was in the Cherokee Nation when the 1880 roll was made and that he was a slave in the Cherokee Nation and of a Cherokee citizien at the time of the breaking out of the Civil War. He seems to have married in the State of Texas.

By Commissioner of Applicant:

Q How many of your children were born in Texas besides Mary? A None.

(Judgment continued)

where his deceased daughter Mary was born, and he worked for some years on a railroad plying through the Indian Territory and into the state of Texas.

By Commissioner of applicant:

Q You worked on the M. K. & T. Railway? A Yes sir.

(Judgment continued)

The applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his testimony, and attention is called particularly to the testimony given by Allen Lynch and by the applicant in regard to the applicant's identification in 1866; without tracing the matter at this time there may be considerable variation in the locations specified by the applicant and by Lynch. The applicant states that he was carried to Kansas during the war; It is shown by satisfactory personal testimony that the applicant and his wife were married some 37 years ago; they were married in the state of Texas; his wife is not identified on any roll, and the applicant was never previously married; he states that his wife was married once before her marriage to him, but that her former husband was dead at the time she married him; she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the further consideration of her case. Of the four children named in the testimony, Edna, James, Joe, and Jennie Martin, all childrenof this marriage and minors, they are living at this time; the oldest of this four children, is identified on the Kerns-Clifton and Wallace rolls; the three younger children are identified on the Kerns-Clifton roll, and they will now hal be listed for enrollment as Cherokee Freedmen on a doubtful card. The grandchild, Pearl Martin, is a child of the applicant's deceased daughter Mary; the mother of hhis child was never married; the child is identified on the Kerns-Clifton roll with the applicant's family; it is there given as a girl and as 18 years of age, but as respects six and age, it is evidence that this statement was made by clerical error as this is shown to be the c

only child of that name in this family, and this child is a boy. Pearl Martin will now be listed for enrollment as a Cherokee Freedman on a doubtful Card. When the final decision of the Commission with reference to all of the persons now applied for will be made known to the applicant at his post office address.

* * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 20th of May, 1901 at Vinita, I. T.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct copy of the original.

E. Rothenberger

Subscribed and sworn to before me this 19th day of July, 1901.

Commissioner.

Subscribed and sworn to before me this October 6th, 1961.

Commission expires.

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note whereon.

for the hearing is a fine and complete transcript of the proceedings in the case, and I certify the same to the Commission and Tribes as stenographic record of the testimony and proceedings had in the above-entitled matter to the Commission on the 13th day of July, 1961, at Boson, Idaho.

I, O. Boson, being first duly sworn, state that as stenographer to the Commission I attended the hearing held in the above-entitled matter on July 13, 1961, at Boson, Idaho, and took down in shorthand the testimony and proceedings had at said hearing; that thereafter I caused my shorthand notes to be transcribed into typewriting, and that the foregoing pages contain a full, true and correct transcript of my shorthand notes so taken.

Commissioner.

Court Reporter Mary Weight appears telephonically.

Chairman Wilkinson: The next witness is Mary Weight.

Mary Weight, #247, was duly sworn by the Chairman.

DIRECT EXAMINATION

BY MR. HASTINGS:

Q Will you please state your name, address and tribe?

A Mary Weight, Boson, Idaho, Coeur d'Alene.

Q Mary, you are a member of the Coeur d'Alene Tribe?

A Yes, sir.

Q And you live on the reservation?

A I was the first family to move on the reservation.

Q You were the first family to move on the reservation?

A Yes, sir.

Q Mary, I'm going to ask you a few questions about your family and your children. Do you have any children?

A Yes, I have seven children.

Q Seven children. Are they all living?

A Yes, they are all living.

Q Are they all married?

A No, they are not all married.

Q How many are married?

A Four are married.

Q Four are married. Do they live on the reservation?

A Yes, they live on the reservation.

Q Do they live near you?

A Yes, they live near me.

Q Do they live in Boson?

A Yes, they live in Boson.

Q Do they live in the same house with you?

A No, they live in their own houses.

Q Do they live close to you?

A Yes, they live close to me.

Q Do they live in the same community?

A Yes, they live in the same community.

Q Do they live in the same community as you do?

A Yes, they live in the same community as I do

File with case of Joshua Martin,Sr.,et al., C.F.-D.#244.

Supl.C.F.-D.#317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901. D-317.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Charles Martin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. L. T. Brown, Agent for Applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation:

R. K. ADAIR, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A R. K. Adair.
Q What is your post office? A Chelsea.
Q What is your age? A 46.
Q How long have you lived at Chelsea? A Well, that hs been my post office since '82.
Q You know the applicant here, Charles Martin? A Yes, sir.
Q How long have you known him? A I have known him about 16 or 17 years.
Q Where did you first meet him? A I first met him on Pryor Creek at my place above Chelsea.
Q Was his family with him at that time? A Yes, sir.
Q You say his family was with him? A His family was there in the neighborhood, wasn't with him at the time I met him.
Q You say you met him on Pryor Creek near your place? A He came to my place the first time I ever saw him that I recollect of.
Q What year you think that was? A Best of my recollection it was in '85.
Q Do you know where he came from? A He said he come from Texas there, he had been to Texas with his family, and I think it was in January or February, I am not positive about the date, but somewhere along there.
Q Did you see his family when they moved in? A Yes, sir.
Q How did they come? A They come on the train to Vinita. Got off at Catale.
Q Were you on the train withthem? A Yes, sir, I was on the same train.
Q They said they come fromTexas? A Yes, sir, I didn't talk to the family at the time but he told me afterwards that they come from Texas.
Q You had never seen his family before? A No.
Q That is the first you had seen of them out in your section of the country? A Yes, sir. Well, it was some little time, I don't know just how long, after his family got off there at Catale that he came up to my house; asked me if I didn't know him and I told him that I didn't know that I had ever seen him and he said I ought to know him

MR. BROWN: Where did you take the train at Mr. Adair, when you met him on the train? A I never met him on the train at all.
Q Now, didn't I understand you to say that you were on the same train with him? A With his family.
Q Where did you board the train at? A Here at Vinita.
Q And went from here to Catale? A Yes, sir.
Q In his conversation with you did he state how long he had been in Texas? A Yes.
Q What did he say? A I asked him why he hadn't come back sooner and he said that he had been back here before and left this country when the M. K. & T. went thorugh, that he followed out there working on the grade or something of that kind.

Q He told you in that same conversation that he had been here before and left this trountry about the time the M. K. & T. railroad came through? A Yes, sir.
Q You spoke something about his saying you ought to know hi m?
A Yes, sir.
Q Did he tell you why you ought to know him? A He didn't tell me why.
Q Didn't he go on and tell you who he was? A Well, told me who he was, but I don't remember him.
Q You don't know where he was in 1866? A No, sir
Q Don't know where he was except that he had been to Texas and he also told you in that same conversation that he had been up in this country in 1873 when the M. K. & T. went through? A He said he was up there, didn't say when he come, but said he went off working for that railroad or something tothat effect.

MR. HASTINGS: Do you know when this M. K. & T. railroad was built through here? A Built in '71 I think.
Q This was about 1884 or '5? A '85 to the best of my recollection.
Q You never saw him here in '71? A No, sir.
Q That was just his statement for that? A just his statement.
Q Didn't tell you where he was married? A Said he was married in Texas.
Q Did he have some children along with him? A Yes, sir.
Q About how many do you think? A I think he had about three when he moved in there, I think he had four, one of them was a step-son.

LEMUEL PARRIS, being duly sworn by Commissioner Needles, testified as follows: On Part of Cherokee Nation:

MR. HASTINGS: What is your name? A Lemuel Parris.
Q What is your age, Mr. Parris A 52.
Q What is your post office? A Catale
Q How far is Catale from Chelsea? A About five miles.
Q Do you know this applicant here, Charles Martin, around here?
A Yes, sir.
Q When was the first time you ever saw him? A Well, it was in '84 or '5, I won't be positive which year ir was in.
Q where were you living at the time? A About one mile from Catale
Q How far doeshe live from you now? A About four mile I suppose.
Q Had you been living there before that? A Yes, sir.
Q He come in there at that time? A Yes, sir.
Q You know where he come from? A Only he told me, he told me he was from Texas.
Q Did he have a family? A Yes, sir
Q Wife? A Yes, sir.
Q Did he have some children? A Yes, sir
Q About how many A I don't know how many he had, I wasn't at his house at that time, until some time after that.
Q How long had you been living in that neighborhood before that?
A About five years.
Q Do you know how his family come? A Said he come on the trai n.
Q What year was that? A I didn't see them get off of the train.

MR. BROWN: Did they say what he had been doing down in Texas?
A He didn't at that time, I don't remember about him saying, I only had a short talk with him at that time.
Q Did you say that was about '84 or '5? A About '84 or '5.
Q well, had you known anything of him prior to that time?
A No, sir.
Q First time you had ever seen hi m? A First time I had ever seen him to know him.
Q Has he been living in the neighborhood of Catale ever since you saw him in '84 or '5? A yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Has he a farm there? A Yes, sir.
Q All you know about him is that you met him for the first time in 184 or '5 and that he told you he came here from Texas?

in '88 or '5 and that he told you he come here from Texas?
A Yes, sir.
MR. HASTINGS: You know his family came at that ti me?
A I saw his family at another house down there, I didn't see his family the first time and he said;
Q You know when new comers come into your neighborhood don't you?
A Well, that was the first time I saw him.

Com'r Needles: This testimony will be filed in Freedman doubtful cases #317, #244, and #729.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

Notice of Motion

Take notice that on the 8th day of April, 1905, at the hour of 10 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, I will move before the Court at the Court House in the City of Toronto, for an order [illegible] the Plaintiff to give security for costs of this action, and for the costs of this motion.

Dated at Toronto, this 1st day of April, 1905.

To the Plaintiff and his Solicitors.

[illegible]

Affidavit of Service

I, [illegible], of the City of Toronto, in the County of York, Solicitor, make oath and say:

1. That I did on the 1st day of April, 1905, serve the Plaintiff with the Notice of Motion hereto annexed by delivering a true copy thereof to his Solicitors.

Sworn before me at the City of Toronto, in the County of York, this 1st day of April, 1905.

A Commissioner, etc.

[illegible]

1905

No. [illegible]

IN THE SUPREME COURT OF ONTARIO

[illegible] v. [illegible]

Notice of Motion

Affidavit of Service

[illegible]

[illegible]

[illegible]

File with C. F. D-344.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1902.

In the matter of the application of Charles Martin et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-317.

Applicants represented by Lewis T. Brown.
Cherokee Nation represented by J. S. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas, Douglas County.
Q How long have you lived in Lawrence, Kansas? A About 34 or 35 years.
Q When did you first move to Lawrence, Kansas? A I came to Lawrence, Kansas, in '66 or '67.
Q After you moved to Lawrence, Kansas, did you get acquainted with a colored man by the name of Charles Martin? A Yes, sir.
Q How long after you moved to Lawrence, Kansas, was it before you got acquainted with him, or about how long? A I think it was that year that I come in, whichever year it was.
Q Do you know whether or not he had a family at that time? A I don't know whether he had a family or not.
Q Was there anything peculiar about him that makes you remember him? A Yes, sir.
Q What was that? A He had one hand off.
Q Did you ever work with Charles Martin on any works or anything, Mr. Drake? A Yes, sir.
Q What kind of works? A I worked with him on the railroad up there in Lawrence.
Q How long did you stay with or near Charles Martin after you got acquainted with him until he left that country? A Well, I don't know; I seen him around more or less for as much as three years after I got acquainted with him.
Q Well did he and you ever work—you say he worked on the railroad with you? A We worked on the railroad up there together, and I worked down in the southeast part of Missouri with him.
Q That was after you had worked with him up in Kansas? A In Kansas, yes, sir.
Q How did you go to Lawrence, Kansas, before or after the close of the war? A After the close of the war.
Q And you knew him there for a while, and then worked with him in Kansas on the railroad, and then went down to southeast Missouri and worked with him there in what kind of work? A Was getting out ties there.
Q Now then where, if you know, did Charley Martin go after he left you up there? A I don't know where he did go to.
Q Have you ever seen him since? A No, sir, I have never seen him since.
Q As I understand you, from the time you got acquainted with him at Lawrence, Kansas, up till the time he left you down in Missouri where you was getting out ties it had been three or four years or something like that? A Yes, sir, from the time I first got acquainted with him.
MR. BROWN: For what railroad company were you working when you were working in southeast Missouri? A We wasn't really working for a railroad; but we worked for contractors getting out ties.

Q To be used in constructing what railroad? A I don't know what railroad it was, I don't know.
Q When you were working on the railroad in and near Lawrence, Kansas, on what road were you working? A Working on the U. P. Railroad then.
Q In what year did you go to Lawrence? A '66 or '67.
Q You are not positive which year it was? A No, sir.
Q Now are you positive as to when it was that you saw this man Charles Martin? A After I went to Lawrence you mean?
Q You don't know how long you had been there until you met him do you? A No, it hadn't been a great while though; hadn't been a great while till I met him.
Q In what time of the year did you go there? A I went there in March.
Q You wouldn't be willing to swear that Charley Martin wasn't in the Cherokee Nation in the fall of '66, would you? A Well, he might have been there, but I don't know; I know I got acquainted with him in Lawrence after I came there in '66 or '67.
Q But you are not positive as to what year you went there in, whether it was '66 or '67? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-244, D-729, and in D-317, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Martin et al., as Cherokee freedmen, consolidating the applications of:

Charles Martin et al.,	Cherokee Freedman D 317
Ella Martin,	Cherokee Freedman D 244

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Charles Martin for himself and wife, Eliza Martin (by intermarriage), and minor children, Edna, James, Joe and Jennie Martin, and his minor grandchild, Pearl Martin; and by Ella Martin for herself. The application for the enrollment of Eliza Martin as a citizen by intermarriage , of the Cherokee Nation, has been heretofore disposed of, consequently, her rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Charles Martin, claims the right to enrollment as a Cherokee freedman by virtue of his compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment a descendants of the said Charles Martin.

CHARLES MARTIN appeared before the Commission at Vinita, Indian Territory, on May 16, 1901, and in support of his application for enrollment, testified as follows: I am fifty-eight or fifty-nine years old, and when the war broke out I was the slave of Sarah Martin, the widow of Price Martin, deceased, who was a citizen by blood of the Cherokee Nation. I have lived in the Cherokee Nation all my life except when I was in Kansas during the war. I returned from Kansas to the Cherokee Nation in the spring of 1866, and stayed in said Nation until '73 or '74, when I went to work for the M. K. & T. railroad in the Chickasaw Nation and remained with it for some three or four or five years, until they built into Texas, when I returned to the Cherokee Nation and commenced farming, and have been farming here ever since. I married

Eliza Watson, a state raised woman, when with the railroad in Texas, and she is the mother of all my children. My oldest child, Mary, deceased, was born in Texas, and if living would be about twenty-six years old now. She was the mother of the minor applicant, Pearl Martin. My daughter Edna (13 years old in 1901), was born on the railroad at Boggy Depot, Chickasaw Nation, and all my other children were born in the Cherokee Nation. I came from Kansas to the Cherokee Nation (after the rebellion) with my uncle, Tom Waity, stayed on the Landrum place three or four weeks, then went to my uncle Simon Lynch's place and stayed there three weeks, and then started for Blue Rider's, our old home place, where I was raised, but did not get there. Went to Captain Jackson's place instead, and worked for him something over a year; helped move his saw mill from Port Gibson to Chouteau, and sawed lumber until the railroad came and then I went to work for it.

ALLEN LYNCH, on behalf of the applicants, at Vinita, Indian Territory, on May 16, 1901, testified as follows: I am sixty-one years old, and have lived in the Cherokee Nation all my life; I have known the applicant, Charles Martin, ever since we were boys. At the commencement of the rebellion he was the slave of Sarah Martin, a Cherokee citizen. I first saw him in the Cherokee Nation after the war, in 1866, on the old Charles Landrum place on Cabin Creek. Never saw him again until he was working on the railroad, but have seen him on Pryor creek ever since the Wallace roll was made.

ELLA MARTIN appeared before the Commission at Vinita, Indian Territory, on May 16, 1901, and in support of her application for enrollment, testified as follows: I am twenty-two years old and am the daughter of Charles Martin (principal applicant herein) and Eliza Martin (a non-citizen of the Cherokee Nation), and have lived in the Cherokee Nation all my life.

W. B. LINDSEY appeared before the Commission at Vinita, Indian Territory, on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am sixty-nine years old, live at Chouteau, Cherokee Nation, and am a Cherokee citizen by adoption. I landed in the Cherokee Nation, after the rebellion, on December 15, 1867. I have known the applicant, Charles Martin, since before the war; he was the slave of Sarah Martin, a Cherokee citizen; I first saw him after the rebellion, a Chouteau, Cherokee Nation, in the latter part of August, 1871, he was then with a construction train laying track on the M. . . T. railroad. He told me that he had been with the train continuously from some point in Kansas, and that he had been with them a long time. At that time said he had not made a home in the Cherokee Nation. I saw him several times after that as the train was passing, but had no further conversation with him. I know Captain Jackson, he moved his saw mill to that part of the country in 1871, and located it at the (railroad) crossing on Pryor creek. I have never seen the applicant in the Cherokee Nation since 1871.

R. K. ADAIR, appeared before the Commission at Vinita, Indian Territory, on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am forty-six years old, and have lived near Chelsea, Cherokee Nation, since '82. I have known the applicant, Charles Martin, about sixteen or seventeen years; first saw him at my place on Pryor creek about January or February, 1885. He told me that he had just come, with his family, from Texas. I had seen the applicant's family, a short time before, on the train between Vinita and Catale, and saw them get off at the latter place. Applicant also told me that he had been in the Cherokee Nation before, but had gone through to Texas with the M. K. & T. railroad, and that he had married in Texas. I believe there were three children of his own and one step-son, in his family when he moved to my neighborhood in 1885.

LEUKL PARRIS, appeared before the Commission at Vinita, Indian Territory, on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am fifty-two years old, and have been living near Catale, Cherokee Nation, since 1880. I have known the applicant, Charles Martin, since about '84 or '85, when he and his family moved into my neighborhood. He told me that he was from Texas.

WILLIAM DRAKE appeared before the Commission on April 25, 1902, and on behalf of the Cherokee Nation, testified as follows: I live at Lawrence, Douglas County, Kansas, and have lived there since March 1866 or 1867; shortly after moving to Lawrence I became acquainted with one Charles Martin; I remember him in particular by reason of the fact that he had one hand off. I worked with him on the railroad at Lawrence, and afterwards at the same kind of work in south-east Missouri. The time during which I knew and worked with Charles Martin in Kansas and Missouri covered a period of three or four years. I cannot swear positively that Charles Martin was not in the Cherokee Nation during the fall of 1866.

ADNA GRAVES, nee Martin, appeared before the Commission at Tahlequah, Indian Territory, on July 20, 1904, and testified as follows: I am about twenty-one years old, and am the wife of Will Graves, and was married to him before my father made application to the Commission for my enrollment as a Cherokee freedman.

PETER JENKINS, appeared before the Commission at Muskogee, Indian Territory, on March 9, 1905, and on behalf of the Cherokee Nation, testified as follows: I am eighty-one years old, and have lived at Lawrence, Douglas County, Kansas, ever since 1863. I was acquainted with one Charles Martin, a colored man who had one hand off at the wrist; first became acquainted with him about January, 1866, at Lawrence, Kansas. He told me that he was from the Cherokee Nation. We worked together splitting rails from January, 1866, until March of the same year. I saw him around Lawrence, Kansas,

frequently, for three or four years after that, during which time he farmed and worked on the Union Pacific railroad. When he left there he told me that he was going to work on a railroad that was building south into Texas. Charles Martin was a brother of one Spencer Martin, or Bell, and I became acquainted with these two men about the same time. I am certain that Charles Martin lived at Lawrence, Kansas, continuously for at least four year after the war. He left Lawrence, Kansas, with a railroad contractor.

WILLIAM JACKSON appeared before the Commission at Muskogee, Indian Territory, on March 9, 1905, and on behalf of the Cherokee Nation, testified as follows: I am seventy years old, am a citizen by adoption of the Cherokee Nation, and am known throughout the country as Captain Jackson. After the war I came from Texas to the Cherokee Nation in the summer of 1869; I bought a saw mill in 1871 and shipped it to Pryor Creek, on the M. K. & T. Railroad, and later moved it to Gibson Station. I believe I remember Charles Martin, a one handed negro who at one time was in my employ, but am positive he did not work for me prior to the year 1871.

CHARLES MARTIN, principal applicant herein, appeared before the Commission at Muskogee, Indian Territory, on March 15, 1905, and in support of his application further testified as follows; Pearl Martin is the illegitimate child of my deceased daughter, Mary, I do not know who his father was. I worked about five years for the M. K. & T., getting out ties from here to Red River. When I was working for the railroad I claimed the Cherokee Nation as my home, but really had no h e until after I was married. I never worked for Peter Jenkins in Kansas after the rebellion, and never split a rail in Kansas in my life. I do not believe I know Peter Jenkins. I did not come down on the M. K. & T. railroad as it was being built, but first went to work for it at Timbers Mill (Cherokee Nation), I now Captain Jackson. He owned a saw mill. I did not say I went to work for him two or three months after I came back to the Cherokee Nation in 1866, it must have been two or three years afterwards. I first saw Crap Lynch at Simon Lynch's place in May, 1866. I was a half-brother of Spencer Martin, or Bell. I was living at Lawrence, Kansas, at the close of the rebellion. I am a good rail and tie maker and always made rails for my boss.

ANDERSON LYNCH appeared before the Commission at Muskogee, Indian Territory, on March 15, 1905, and on behalf of the applicants testified as follows: I am about sixty or seventy years old, and am sometimes known as Crap Lynch. I have known the applicant, Charles Martin, ever since he was a little boy; we all belonged to the same family. I first saw the applicant in the Cherokee Nation, after the war, at Simon Lynch's in June, 1866. I know it was in the spring of '66 because everybody was trying to get home. I have seen the applicant but two or three times since then. I was at Fort Scott, Kansas, during the war, and returned to the Cherokee Nation in 1865, and first saw the applicant two or three years

after my return. I do not know what year this is, and know nothing about the years but what I am told.

CASE SUBMITTED ON RECORD AS NOW MADE UP.

The applicant, Charles Martin, is identified on the Wallace roll, and all of the applicants her in are identified on the Kern-Clifton roll, but cannot be identified on any other roll of the Cherokee Nation, in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicant, Charles Martin, was the slave of a Cherokee citizen at the commencement of the rebellion, that he was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that the other applicants herein were born since 1866, are descendants of the said Charles Martin, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants; and it is further considered by the Commission that the said applicant, Edna Martin, should be listed for enrollment as Edna Graves.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Charles Martin, Edna Graves, James Martin , Joe Martin, Jennie Martin, Pearl Martin and Ella Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles
Commissioner

(SIGNED) C. E. Breedinridge
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 23 1905

Cherokee Freedman
D 244.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joshua Martin Sr., et al., as Cherokee Freedmen.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on May 10, 1901, Joshua Martin Sr., appeared before this Commission at Vinita, Indian Territory, and made application for the enrollment of himself, his wife, Ella Martin, and his minor children, Julia, Herman and Hester Martin, as Cherokee freedmen. The application for the enrollment of Ella Martin has been otherwise disposed of, and her rights to enrollment as a Cherokee freedman will not be considered in this decision. Copies of the testimony taken at Vinita, Indian Territory, in the cases of Sarah Ann Martin, et al., C.F. D 239, and Johnson Downing, C.F.D. 308, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and have continuously resided in the Cherokee Nation since birth; that the principal applicant, Joshua Martin,Sr., is a son of one Sarah Ann Martin, and that the minor applicants herein are children of the said Joshua Martin Sr.; that the said Sarah Ann Martin was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation.

The records of the Commission show that the said Sarah

Ann Martin is included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior November 16, 1904, opposite No. 3738.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Joshua Martin Sr., Julia Martin, Herman Martin and Hester Martin, should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
This JUN 28 1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON, January 19 , 1918.

I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

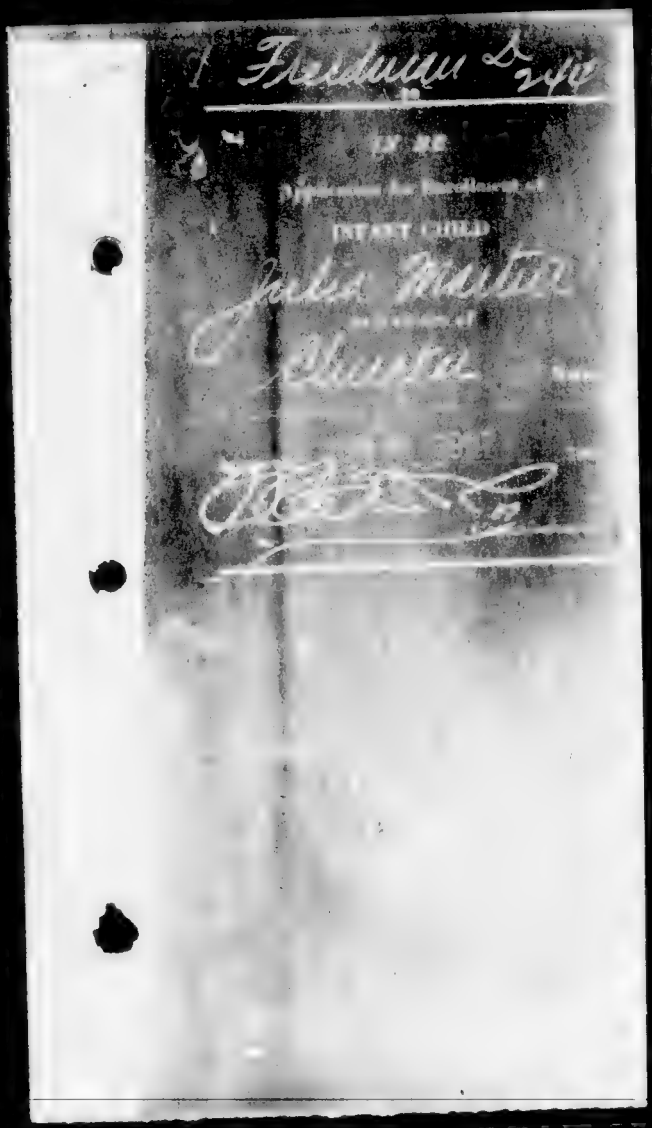


E B Meritt

Assistant Commissioner.

C—1931

416



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation.

Julia Martin, born on the 10 day of March, 1[illegible]

Father: Joshua Martin, a citizen of the Cherokee Nation.

Mother: Ella Martin, a citizen of the Cherokee Nation.

Post-office: White Oak, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern District.

I, Ella Martin, on oath state that I am 1/8
a citizen, by adoption, of the Cherokee Nation;
that I am the wife of Joshua Martin who is a citizen of
the Cherokee Nation, of the Cherokee Nation; that a child was born to me
on the 10 day of March 1[illegible] and that said child has been
named Julia Martin
and is now living; that the name of said child's father is Ella Martin

Subscribed and sworn to before me this 8th day of June 1901

J. L. Parker

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern District.

I, Eliza Martin, a midwife, on oath state that I was present at the birth of
Ella Martin on the 10 day of March
1[illegible], that a female child was born to her on said day; that said child is living and
has been named Julia Martin

Eliza Martin

Subscribed and sworn to before me this 8 day of June 1901

J. L. Parker

01172

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

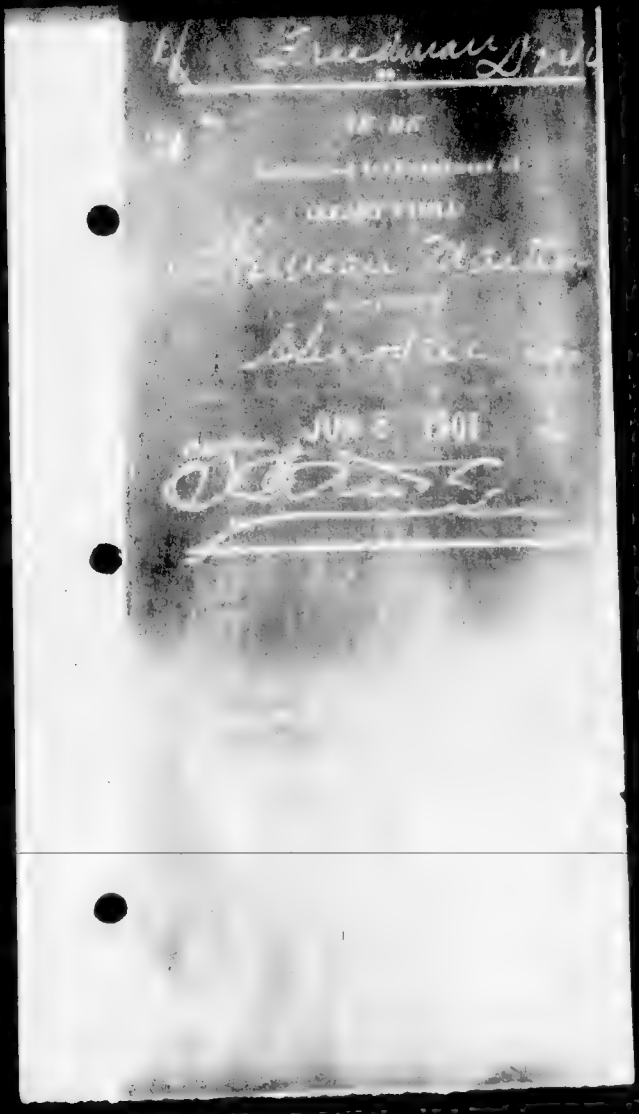
WASHINGTON, January 19, 1918.

I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

RECEIVED
NO. CIVILIZED TRIBES
416

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

E. B. Meritt
Assistant Commissioner.



BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation, of Hermon Martin, born on the 14 day of March, 19[illegible]
(Here insert name of child)

Name of Father: Joshua Martin Sr., a citizen of the Cherokee Nation.

Name of Mother: Ella Martin, a citizen of the Cherokee Nation.

Post-office, White Oak, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
(INDIAN TERRITORY.)
Northern District.

I, Ella Martin, on oath state that I am 23 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Joshua Martin who is a citizen, by adoption, of the Cherokee Nation, that a Male child was born to me on the 14 day of March 19[illegible] that said child was living on this date, and was named Hermon Martin

Ella Martin

WITNESSES TO MARK:

(Mark by Two Witnesses)

Subscribed and sworn to before me this 8th day of June 19[illegible]

[illegible]

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,
(INDIAN TERRITORY.)
Northern District.

I, Eliza Martin, Ella Martin, attended on the 14 day of March, 19[illegible] and delivered Male child, who was named Hermon Martin

Eliza Martin

WITNESSES TO MARK:

(Mark by Two Witnesses)

Subscribed and sworn to before me this 8th day of June 19[illegible]

011

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON, January 19, 1918.

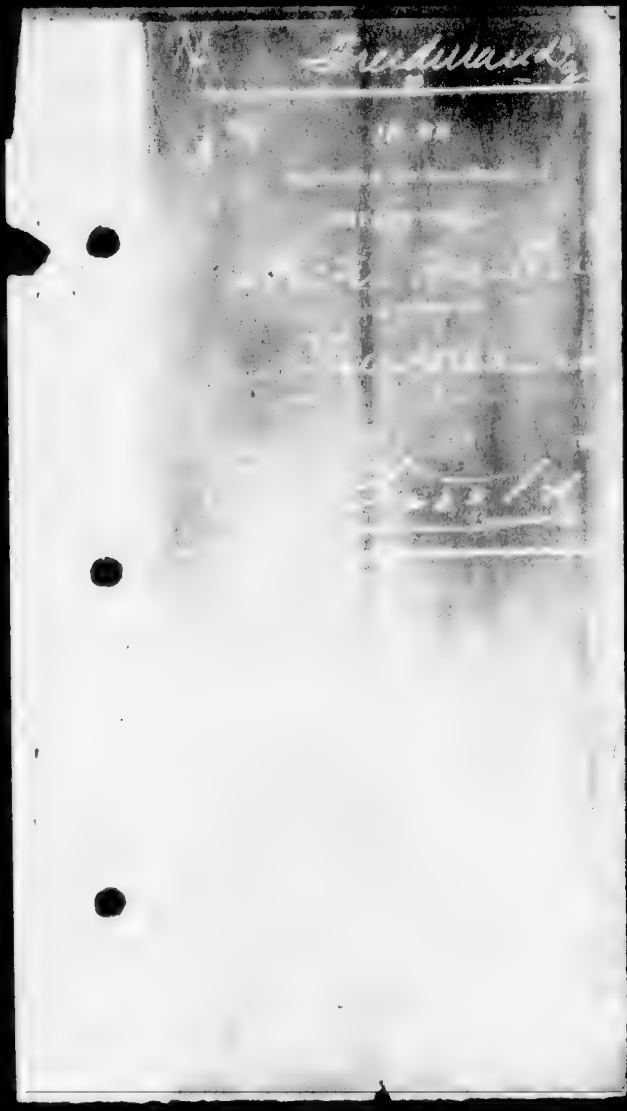
I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

DEPARTMENT RECEIVED 1941 NO. 416 FIVE CENTS

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

E. B. Meritt

Assistant Commissioner.



AFFIDAVIT

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In application for Enrollment as a citizen of the Choctaw
Nation of Ella Martin born on the 11 day of August 1901
Name of child
Joshua Martin, a citizen of the Choctaw
Name of parent
Nation, and Ella Martin, a citizen of the Choctaw
Name of parent
Nation.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
Indian Territory, } District.

Ella Martin, on oath states that I am
a native citizen, by adoption, of the Choctaw
Nation; that I am the lawful wife of Joshua Martin
who is a citizen, by adoption, of the Choctaw
Nation; that a child was born to me on the 11 day of
August, 1901, and that said child was living
March 4, 1905; that said child has been named
Ella Martin, and is
believed to be
living.

Subscribed and sworn to before me this
day of

FD244

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Joshua Martin, Sr.,
Whitecak, I.T.
Cherokee F-D-244
Register.

52244

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 18 1901

ACTING CHAIRMAN.

Vinita, Indian Territory, May 16,1901.

Mr. Joshua Martin, Sr.,

White Oak, Indian Territory.

Sir:- Upon examination to-day of one Johnson Downing, of the family of Elias Downing, it appears that the enrollment which was supposed to be yours on the Kerns-Clifton roll, when you applied on the 10th inst. to this Commission to be enrolled, is found to be that of the present applicant, and not of yourself, he being identified on that roll with his father and other members of the family, while you appear to be of an entirely different family. This information is given you in order that you may appear before the Commission, if you so desire, and offer any testimony that you may consider necessary.

Very respectfully,

Commissioner.

G

Tahlequah, Indian Territory, May 9, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith Cherokee freedman case D-244, Joshua Martin, Sr., et al, non-concurred in by me.

The decision as prepared at present admits the applicant and his wife, Ella Martin, and their three minor children as enumerated. The father and mother in this case are respectively over 24 and 23 years of age, and the decision as prepared grants them the right to enrollment by reason respectively of the status of the mother of Joshua Martin, Sr., namely, Sarah Ann Martin; and of the father of Ella Martin, namely, Charles Martin. They are of families of the same name but of no relationship.

I will first consider the right of Joshua Martin, Sr., as derived through his mother, Sarah Ann Martin. Joshua Martin, Sr. cannot be said to be upon any roll of the Cherokee Nation. He claims to be one Josh Downing (Johnson Downing) identified on the Kern-Clifton roll, but this person, Josh Downing (Johnson Downing) is shown in the testimony of his own case to be an entirely different person. He is there identified under the same roll number of said roll as that claimed by Joshua Martin, Sr., and it further appears

to be quite conclusively established by the testimony of the father of Josh Downing (Johnson Downing) that this man Joshua Martin, Sr. fraudulently represented Downing at the time of the 1894 payment and drew Downing's money. With this exception and as far as the record goes it denies Martin; and it discredits him instead of showing any merit of any kind in his claim. Joshua Martin, Sr. has, of himself, no form of record of enrollment.

Now as to the mother through whom his claim arises, namely, Sarah Ann Martin, she tells a very improbable story and a very improbable story is told for her by men whom we know to be utterly unreliable, such men as Andy Frey, Cap Hicks and Fillmore Hicks, and she is not identified on the roll of 1880 or on the roll of 1896, nor even upon the Wallace roll, but only upon the Kern-Clifton roll. It is highly improbable that a woman in her position, say 25 years of age, with four little children, would leave her husband and possibly her children up in Kansas and come down to the Indian Territory with a lot of people when, as she claims, her husband himself was only temporarily detained in Kansas. Take this statement in connection with the character of the witnesses who supported her in their usual way, and the fact that she is only upon one of the rolls of the Cherokee Nation and that the most unreliable roll that ever was made in the Cherokee Nation, and I do not see that her claim to enrollment, or the claim of any one through her, has any ground to stand on.

Now as to Ella Martin, the mother of the children of

this family, she is only upon the Kern-Clifton roll. She is 23 years of age and her claim is through her father, Charles Martin. Charles Martin is not upon the roll of 1880 or the roll of 1896. He is upon the Kern-Clifton and Wallace rolls, but his testimony is very contradictory. He claims, without qualification, in the early part of his testimony, that he returned to the Cherokee Nation in 1866 and never left it afterwards. It is further on developed that he left the Cherokee Nation for a number of years, that he married in Texas, that he lived more or less in the state of Texas, and that after his marriage one of his children was born there. This is chiefly important as showing the contradictory and unreliable character of his testimony. On the other hand, it is quite clearly and conclusively established by witnesses whom we have no occasion whatever to d o u b t, that he did not come to the Cherokee Nation in 1866, but that as late as 1870 and perhaps for a year or two after that time, he was in the state of Kansas and in the state of Missouri pursuing regular avocations.

Ella Martin is identified only on the Kern-Clifton roll as stated and I do not think that she has any claim whatever through her father.

I have not the record by me at this time to see what has been done in the case of Sarah Ann Martin or in the case of Charles Martin, the parents herein referred to of the father and mother of these children, but I hope they have not been enrolled. If they

have, I believe the cases should be recalled and that the Commission should recommend that they be stricken from the roll. But as to the case immediately now under consideration I vote in the negative, and if the other Commissioners do not see their way clear to concur in this result, I respectfully request that my view of the case be forwarded, with the record, to the Secretary of the Interior for his final determination.

Respectfully,

(Signed) C. R. Breckinridge

Commissioner.

MH
ENC. H-190

Tahlequah, Indian Territory, June 6, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith the papers in Cherokee freedman case D-244 of Joshua Martin, Sr., et al, last transmitted to me with Central Office letter of May 27, 1905, attached to the papers now returned.

Said letter of the Central Office states that a new decision had been prepared in accordance with the suggestions in my letter of May 9, 1905. I find upon examination that the new decision appears to be in every essential respect a copy of the old decision and if it was the intention to incorporate in the new decision the suggestions I made, said intention was not carried out. The new decision, like the old one, enrolls these applicants, while the point of my suggestion was that they should be denied.

Calling attention to the foregoing, I have the honor to return the papers and refer to my letter of May 9, 1905, incorporated therein as expressive of my views of the case and of my vote thereon in the negative.

Respectfully,

(Signed) C. R. Breckinridge

Commissioner.

MH
Enc. K-85

COPY.

Cherokee Freedmen
D-244.

Muskogee, Indian Territory, June 23, 1905.

Ella Martin,

White Oak, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated June 23, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-68.
Register

COPY.

Cherokee Freedmen
D-244.

Muskogee, Indian Territory, June 23, 1905.

Louis T. Brown,
Attorney for Ella Martin,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting, among others, the application for the enrollment of Ella Martin as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-92
Register

COPY.

Cherokee Freedmen
D-317 D-244.

Muskogee, Indian Territory, June 23, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the applications for the enrollment of Charles Martin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.

Chairman.

Incl. S-69.

COPY.

Cherokee Freedmen
D-317 D-344.

Muskogee, Indian Territory, June 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Charles Martin, et al., as Cherokee freedmen, including the Commission's decision dated June 23, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-70.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-244.

Muskogee, Indian Territory, June 28, 1905.

Joshua Martin, Sr.,

White Oak, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of yourself, et al., as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) [illegible]
Chairman.

Incl. S-63
Register

Cherokee Freedmen

D-244.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of Joshua Martin Sr., et al., as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-64

COPY

Cherokee Freedmen
D-244.

Muskogee, Indian Territory, June 28, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Joshua Martin Sr., et al., as Cherokee freedmen, including the Commission's decision dated June 28, 1905, granting said application, Commissioner C. R. Breckinridge dissenting.

Respectfully,

(SIGNED) Tams Dixby.
Chairman.

Incl. S-65

Through the

Commissioner of Indian Affairs.

Copy

Land.
49288-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 23, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Charles Martin for himself, his minor children, Edna(now Graves) James, Joe and Jennie Martin and his minor grandchild, Pearl Martin; and by Ella Martin for herself.

June 23, 1905, the Commission decided adversely to all the applicants.

The record shows that Charles Martin was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken from the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Charles Martin and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M. (W)

(C O P Y)

Land
50929-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.
August 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Joshua Martin,Sr., for himself and his minor children, Julia, Herman and Hester Martin.

June 28, 1905, the Commission decided favorably to the applicants.

The record shows that all the applicants were born since 1866 and have continuously resided in the Cherokee Nation since birth; that the principal applicant is a son of one Sarah Ann Martin, and the minor applicants are the children of Joshua Martin Sr.; that Sarah Ann Martin was the slave of a Cherokee citizen at the beginning of the war of the rebellion , was taken out of the Cherokee Nation during the war, but returned thereto and established a residence therein on or before February 11, 1867.

The record further shows that Sarah Ann Martin is included in a partial roll of Cherokee freedmen approved by the Department November 16, 1904, opposite No. 3738.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.

W.

(C O P Y)

D. C. 58898-1905
I.T.D. 10214-1905

Y.P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

December 9, 1905.

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

August 10, 1905, (Land 50929), the Indian Office submitted the Cherokee freedman case of Joshua Martin Sr., for the enrollment of himself and his minor children, Julia, Herman and Hester Martin, and recommended that the decision of the Commission to the Five Civilized Tribes of June 28, 1905, in favor of the applicants, be concurred in.

The principal applicant claims through his mother, Sarah Ann Martin. It appears from said decision that Sarah Ann Martin has been enrolled as a Cherokee freedman by the Commission, and that the partial roll containing her name was approved by the Department November 16, 1904.

Commissioner Breckinridge, in letter of May 9, 1905, to the Commission, expressed his views at some length in the case under consideration, and held that the application should be denied.

The Nation has not protested. Finding no reason to disturb said decision, it is hereby affirmed. A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

Cherokee Freedmen

D-244. COPY.

Muskogee, Indian Territory, December 20, 1905.

Joshua Martin Sr.,

White Oak, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting your application for the enrollment of yourself and children, Julia, Herman and Hester Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 9, 1905.

You are further advised that you will not be permitted to make allotment selections in the Cherokee Nation for yourself and said minor children until your names have been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:
Tams Bixby.

Incl. S-87 Commissioner.

Cherokee Freedmen COPY.

D-244.

Muskogee, Indian Territory, December 20, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of Joshua Martin Sr., et al., as Cherokee freedmen, Commissioner Breckinridge dissenting, was affirmed by the Secretary of the Interior on December 9, 1905.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Incl. S-88

D.C.51685 JYJr

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.8531-1905.
9330-

November 22, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 23, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Charles, James, Joe, Jennie, Pearl, and Ella Martin, and Edna Graves as Cherokee freedmen, including its decision of same date, adverse to the applicants.

Reporting July 26, 1905 (Land 49288), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

The attorneys for the Cherokee Nation filed a brief in reply to said motion.

There appears to be no properreason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review and reply brief, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

Cherokee freedmen
D-317.

Muskogee, Indian Territory, December 8, 1906.

Charles Martin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting, among others, your application for the enrollment of yourself, children and grandchild, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review of your case, filed by your attorneys September 7, 1905, denied.

Respectfully,

JMH

Acting Commissioner.

Cherokee freedmen
D-317, et al.

Muskogee, Indian Territory, December 8, 1906.

Blue & Bulger,

Attorneys for Charles Martin, et al.,

Baxter Springs, Kansas.

Dear Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1906, rejecting the application of Charles Martin, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and your motion for review of said case, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-44
JMH

Acting Commissioner.

Cherokee freedmen
D-317, et al.

Muskogee, Indian Territory, December 8, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the applications of Charles Martin, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-43.
JMH

Acting Commissioner.

12645

Land-Five T.
5382-18
JED

Copies of certain
birth affidavits.

JAN 21 1918

Mr. Gabe E. Parker,

Supt. Five Civilized Tribes.

My dear Mr. Parker:

Reference is made herein to a communication of January 9, 1918, from the Acting Superintendent for the Five Civilized Tribes, requesting certified copies of the birth affidavits that were filed in connection with the application for the enrollment of Julia, Herman, and Hester Martin, Cherokee Freedmen, rolls Nos. 4076, 4077, and 4078 respectively.

RECEIVED
JAN 21 1918
DEPARTMENT OF THE INTERIOR
416

In compliance with the Acting Superintendent's request, there are transmitted herewith certified photographic copies of the above mentioned affidavits relating to the births of the above named enrollees.

Very truly yours,

(Signed) E.B.Meritt

Assistant Commissioner.

VSP/1/17

Cher Fr 1494

See Cher Fr R 207

Cher Fr 1494

A
F.D 336

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 14, 1901.

In the matter of the application of Carrie West for the enrollment of herself and eleven children as Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Carrie West.
Q How old are you? A I don't know; my ma said I was 10 years old when the war stopped.
Q About how old are you according to your best knowledge?
A I guess I am bout 40 some odd.
Q What is your post-office address? A Muldrow.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation
A Yes sir on the Clifton and Kerns roll.
Q Who do you want to enroll besides yourself? A 13.
Q Living? A Yes sir, two of them I guess is old enough to enroll themselves, and the others is small.
Q Give me the name of the oldest one under 21? A His name is Henry West.
Q How old is Henry? A He is 17.
Q What is the next one named? A Callis.
Q How old is Callis? A 16.
Q Next? A Cornelius.
Q How old is Cornelius? A 15.
Q What is the next one's name? A Charlie.
Q Charlie or Charles? A Charlie.
Q How old is Charlie? A 14.
Q What is the name of the next one? A Carrie.
Q How old is Carrie? A 12.
Q Next one? A Ella.
Q How old is Ella? A 11.
Q Next one? A Watie.
Q How old is Watie? A 9.
Q Next one? A Walter.
Q How old is Walter? A 7.
Q Next one? A Sadie.
Q How old is Sadie? A 6.
Q Next one? A Martha.
Q How old is Martha? A She is 4.
Q Next one? A Vinita.
Q How old is Vinita? A One year old.
Q Next one? A That's all.
Q Are you married? A Yes sir.
Q What is your husband's name? A Callis.
Q Is he a citizen? A Yes sir.
Q You apply for his enrollment? A No sir, he will enroll himself.
Q Were you a born slave? A Yes sir.
Q Who did you belong to? A Bob Knight.
Q Is he living? A Yes sir, he lives here in Vinita.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Choctaw Nation.
Q Got no further south than the Choctaw Nation? A No sir.
Q When did you come back? A In '66, that's what mother said, I was small.
Q You have been living here ever since in the Cherokee Nation?
A Yes sir, we come here in '66, and staid here a year, and then went back to the Choctaw Nation and staid 6 years, and then come back and we have been here ever since.
Q Where did you marry? A In the Choctaw Nation.
Q Was your husband a Choctaw? A He al lead it. I don't know what he was, but that is what he claimed.
Q Have you ever been married more than once? A Yes sir.

Q What was your first husband s name? A Charlie Thomas.
Q Is he living? A I guess he is.
Q Who was the father of Henry West? A Callus West.
Q The children are all named West? A Yes sir, they are all my last husband's children.
Q Where did you marry Callis West? A In Sequoyah district.
Q You have been living there ever since? A Yes sir, I have been living there 21 years.

Examined by Cherokee Representative, L.B.Bell:

Q Who brought you back from the south? A My mother.
Q Anybody else along? A Yes sir, all my sisters.
Q Any of these Knights along? A No sir; they come ahead of us I guess.
Q Where did you come to when you first came back? A We came to Webbers Falls.
Q How long did you stay there at the Falls? A We staid four weeks at the Webbers Falls, and then we come on to Gibson, out on Four Mile Branch,- we staid a year there.
Q What time of the year did you return, in '66? A In the spring, it was along in the spring I reckon, of course I was quite a small child when we came back with mother, but the trees and the grass was coming up and we saw people planting corn and I suppose it was in the spring; I was about 11 years old.
Q Were there any other persons along besides your family?
A No sir, nobody but just mother and her children.
Q She had no husband? A Yes sir, she had a husband, but he didn't come with her, he come after that.
Q Where did you start from? A We started from about, Thompson Salt Lick was about three miles from Boggy Depot, and we lived at Thompson's Salt Lick.
Q What is your mother's name? A Martha Knight, before she married Thompson.
She married a man named Thompson.
Q Was that Thompson a Cherokee Freedman? A No sir, he was a Choctaw.
Q She married out there? A Yes sir.
Q When did she leave the Cherokee Nation? A Before the war began I guess, I was small, I couldn't tell nothing about when she left; he said I was just five year old when I went south.
Q You don't recollect whether you were living in the Cherokee Nation when the war began or not? A No sir, no more than she said and what Mr. Knight said; he was the man that carried us away from the Cherokee Nation.
Q When did you marry in the Choctaw Nation? A I growed up and married there in the time of that six years we were back there.
Q When did you marry? A I don't know sir, what year it was it was in the fall, I don't know what year.
Q How long after you went back? A Oh it was a long time, you know, for I was just a girl when I went back,
Q It was five or six years? A Yes sir. He said we staid there six years after we left here and went back.
Q I want to see what you know about it? A I don't know what year it was.
Q You staid there five or six years before you married? A Yes sir.
Q Well, how long after you married was it before you started back?
A I come back the same year I married.
Q Where did you come to? A Tahlequah.
Q Did your Choctaw man come with you? A No sir, he came after that; he was arrested; he couldn't come.
Q Who came with you the second time you came from the Choctaw Nation, after you were married? A I come back with mother; she carried us south and brought us back when she come in '66, and brought us back xxxix, and then when she come back again after she staid there six years we all come back with her.
Q The second time you came back then there was nobody along but your mother and her children? A No sir.

Q You came back the second time just like the first? A Yes sir. She married when she went back the second time to the Choctaw Nation.
Q When did you marry this second husband? A Yes sir.
Q 21 years ago? A Yes sir, about going on 21 years, but he and him was married about 20 years ago.
Q Who was your mother? A Martha Thompson; used to be Martha Knight.
Q Used to belong to? A Bob Knight.
Q Do you recollect going out of here? No sir.
Q Don't recollect anything about it? A No sir, thatis too far back, I can't recollect nothing about that..

Examined by Commissioner Needles:

Q Your mother's name was Martha Thompson? A Yes sir.
Q Who belonged to Bob Knight? A Yes sir.
Q Have you got property in the Cherokee Nation? A Yes sir.
Q Farm? A Yes sir.

Examined by Cherokee Representative, L.B.Bell:

Q Was Kate Coody your aunt? A No sir, she was my sister.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and Applicants identified thereon as follows:
page 171 #4219 Carrie West, Cooweescoowee District;
page 110 #2756 Henry West, Illinois District.
page 110 #2757 Callus West, Illinois District;

Q That is Callus, Jr.? A Yes sir.

page 110 #2758 Cornelius West, Illinois District;
page 110 #2761 Charles West, Illinois District;
page 110 #2769 Carrie West, Illinois District;
page 110 #2760 Ella West, Illinois District.
page 110 #2762 Waite West, Illinois District.

Q Did you draw for Walter? A No sir, they didn't find his name but Sadie ought to be on there.

Kerns-Clifton pay roll of citizens of the Cherokee Nation, page 178 #4370 Sadie West, (District not given) "Daughter of Callus West"

Examined by Cherokee Representative, L.B.Bell:

Q When the war closed who were you living with? A With Bob Knight
Q Where did he live? A He lives on Horse Creek, that's where he lived before the war.
Q When the war closed? A That was in the Choctaw Nation.
Q You were living with them up until you were set free?
A Yes sir, in the Choctaw Nation.
Q Did he come back here ahead of you? A Yes sir, he says he come back here ahead of us; I can't tell you nothing about when we come here.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's master and identified on page 276 #1451 Robert D. Knight, Delaware Dist, native Cher.

CHARLIE CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.
Q How old are you? A About 70.

Q What is your post-office? A Hudson.
Q You are a recognized Freedman feitizen of the Cherokee Nation?
A Yes sir.
Q Do you know Carrie West, the applicant here? A Yes sir.
Q How long have you known her, A Ever since she was just a girl.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A She was owned by one ofthe Knights.
Q You know whether she went out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A To the Choctaw Nation.
Q Never went south of there? A No sir.
Q When did she return? A In '66.
Q Who did she come with? A With her mother and all the balance of the family.
Q In '66? A Yes sir.
Q Has she been living in the Cherokee Nation always since that time? A They staid here awhile and then they went back.

Examined by Cherokee Representative, L.P.Bell:

Q What is your name? A Charlie Chambers.
Q Where did you know this girl's mother? A I knowed her down south, down in the Choctaw Nation.
Q You never knew her before the war? A No sir.

JAMES ALBERTY, being sworn an examined by Commissioner Needles, testified as follows:

Q Your name is James Alberty? A Yes sir.
Q And you are how old? A About 70 years old.
Q What is your post-office? A Chouteau.
Q You know Carrie West, the applicant? A Yes sir.
Q How long have you known her? A I have known her when she was small.
Q Was she a slave when you knew her? A Yes sir.
Q Who did she belong to? A The Knight family.
Q You know whether she went out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A Went to the Choctaw Nation.
Q You know when she returned to the Cherokee Nation? A Yes sir.
Q When? A In '66.
Q How do you know she returned in '66? A I saw her.
Q Where did you see her? A At Gibson.
Q You know how long she lived in the Cherokee Nation at that time? A No sir.
Q You don't know whether she went back to the Choctaw Nation or not? A No sir.
Q You just know she was a slave of Bob Knight and you saw her in '66? A Yes sir.

Examined by Cherokee Representative, L.P.Bell:

Q Where did you first ~~saw~~ get acquainted with this woman? A At Knight's, at Bob Knight's.
Q Where did Bob live? A On Horse Creek.
Q Up here? A Yes sir.
Q Whenwas that? A That was before the war.
Q Some several years? A I don't know how long.
Q It was before the war? A Yes sir.
Q How many years? A I can't tell how many years.
Q Three or four years? A It may have been, I can't give you any certain thing ~~about it~~ on it. It may have been that long; it may have been longer.
Q You were there at her house? A I have been past there lost of times.
Q Whereabouts did they live on Horse Creek? A Well I don't know;

It's on Horse Creek; I never was from the head to the mouth of it; I can't tell where abouts; I have passed there lots of times.
Q You have been along there a good many times? A Yes sir, but I don't know how far.
Q Which side of Horse Creek was it on? A Well now you have gone thirty years back, I can't recollect.
Q You recollect what sort of a house they lived in? A No sir, just knowed it was Knight lived there.
Q You can't recollect which side of the Creek it was on, although you passed there several times? A Yes sir, I have passed there several times.
Q You know where Cabin Creek is? A Yes sir, I guess I do. I don't know which way that is from here.
Q What road did you travel when you went to see the Knights?
A Old Military Road.
Q How far was it across to the Cabin Creek on that road?
A I don't know; past there though. I know Horse Creek is above there.
Q How far is Horse Creek from Fly Creek? A I can't just tell that.
Q You don't know anything about Fly Creek? A Yes, I have been along there lots of times; I used to drive cattle along there.
Q You crossed the Neosho river when you drove cattle up that road?
A No sir, I never crossed any river.
Q You don't know then how far it is from Horse Creek to Neosho River on that road? A no sir.
Q Where were you driving your cattle to? A Back here to Pryor Creek. Driving them home; John had cattle that run there.
Q When was that- John- you mean John Alberty when you say John?
A Yes sir.
Q When was that you drove John Alberty's cattle from up there down to Pryor Creek, I reckon that's where he lived? A That's where he lived; it was before the war; that's all I can tell you; I can't tell you no year, because I don't know.
Q You said you went a hundred times, I guess it was several years before the war? A No, it wasn't; I went every day after his cattle; drive a bunch home and go back and get more.
Q How far was that from John Alberty's? A I don't know; 10 or 12 miles or further.
Q Make the trip easy enough in a day? A Yes sir, I could go up there and bring cattle back, sometimes be after ~~xxxxxxxxxxxxxx~~ night getting home.

Com'r Needles: Carrie West applies for the enrollment of herself and eleven children; she avers that she is the wife of Cellis West, and that she was a slave of Bob ~~West~~ Knight, and Bob Knight is identified on the authenticated roll of 1880 as a Cherokee citizen; she applies for Henry, Cellis jr., Cornelius, Charlie, Carrie, Ella, Wattie, Walter, Sadie, Martha and Vinita West; their names are not found upon the authenticated roll of 1880; but they are all duly identified upon the Dawes-Clifton roll with the exception of Walter and Martha and Vinita, whose names do not appear upon said roll; by reason of the fact that the name of said Carrie West does not appear upon the authenticated roll of 1880 and the further fact that the Cherokee nation contest her enrollment, and that of her children, said Carrie West and her children enumerated herein will be listed for enrollment as Cherokee freedmen upon what is known as a doubtful card, for the further consideration of the Commission; when the Commission arrives at a conclusion in her case she will be notified by mail; it will be necessary for her to file satisfactory proof with the Commission of the birth of her children, Walter, Martha and Vinita, their names not being on any roll.

Carrie West et al 6

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 16,1901.

Commissioner.

B

I.D. 336

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office J. Muldrow I.T.

District Illegible Illegible

1. Name Illegible Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Illegible Citizenship

Mother Citizenship

1 1. Name of wife Carrie West Age 40

Owners name Bob. Knight Citizenship Cher.

Year R. Ls. Page 171 No. 4219 District Coo

Parents:

Father Illegible Citizenship

Mother Citizenship

Names of Children:

2	3.	Henry West	Year R.S.	Page 110	No. 2756	Dist. Ill	17
3	4.	~~Henry~~ Callis West Jr.	Year "	Page 110	No. 2757	Dist. "	16
4	5.	Cornelius "	Year "	Page 110	No. 2758	Dist. "	15
5	6.	Charlie "	Year "	Page 110	No. 2761	Dist. "	14
6		Carrie "	Year "	Page 111	No. 2759	Dist. "	12
7		Ella "	Year "	Page 110	No. 2760	Dist. "	11
8		Waite "	Year "	Page 110	No. 2762	Dist. "	9
9	10.	~~Master~~ "	Year —	Page ~~7~~	No. —	Dist. —	7
10	11.	Sadie "	Year "	Page 178	No. 4370	Dist. —	6
11	12.	Martha "	Year —	Page —	No. —	Dist. —	4
12		Minta "	Year —	Page —	No. —	Dist. —	1

Application made by Illegible Stenographer Illegible

3 on R.C. roll as Callis West

5 " " " " " Charles "

8 " " " " " Waite "

9, 11 and 12 affidavits of birth, required.

Judge - aunt see no. 12

File with Cherokee Freedman D-336 Carrie Westatal

Department of the Interir,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16,1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedmen; she being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Katie (Coody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.
Q What is your post-office address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yessir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton roll.
Q Who do you want to enroll besides yourself? A I got six children.
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 26.
Commissioner- He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Gertie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes sir.
Q What is your name? A Katie Coody.
Q What is your husband's name? A I got my papers here. My first husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Coody? A I married a Coody; I married Lewis Coody, some called him Lewis Blunt, but his name is Lewis Coody.
Q Have you been married twice? A Yes sir,I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Yoursecond husband was Blackwell? A My husband is Blackwell.
Q Is your name Blackwell now in place of Coody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.

Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the 6th day of February,1899.

Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know. Mr. Thompson was divorced, I guess;he married again.
Q Is Gertie Tinnon your child? A That is my niece.
Q Have you any children of your own? A No sir, none but a boy.
Q What is his name? A Thomas Ross.
Q Is he your child? A Yes sir.

Q Is he your child? A Yes sir.
Q You are themother of Thomas Ross, are you? A Yes sir.
Q How about this Gertie Tinnon, you say she is your niece? A Yes sir.
Q What is her mother's name? A Dicey Tinnon.
Q Is she living? A No sir, she is dead.
Q What relation is Dicey Tinnon to you? A My sister.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A Mary and Tom Sanders.
Q Were they citizens? A Yes sir.
Q Were you taken out of the Cherokee nation during the war? A Yes sir.
Q Where to? A Choctaw nation.
Q You were nottaken any farther South than in the Choctaw Nation? A No sir.
Q When did you come back? A I come back in '66; I come to Gibson.
Q You came to the Cherokee nation in '66? A Yes sir.
Q Have you lived in the Cherokee Nation ever since '66? A Yes sir.
Q Never went back to the Choctaw Nation?A I went back to the Choctaw Nation and come again.
Q When did you go back to the Choctaw nation? A I went back after '66; came to Webbers Falls in '66.
Q When did you come back from the Choctaw Nation the second time? A Come back- I forget.
Q How long did you live down in the Choctaw Nation after you went back? A I lived there six years after I first come here.
Q And then come back here? A Yes sir.
Q Did you marry down there? A Yes sir.
Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
Q What was his name? A Albert Thompson.
Q Albert Thompson was a Choctawthen? A Yes sir.
Q Have you ever applied to be enrolled by the Choctaws?A No sir.
Q Have you got any children by Thompson? A Yes sir.
Q They are grown, are they? A Yes sir.
Q Where was Thomas Ross born? A Over here on Panther Creek.
Q Where was Gertie Tinnon born? A On Panther Creek.
Q Both in the Cherokee Nation? A Yes sir.
Q Your sister Dicey is dead? A Yes sir.
Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
Q Did she go out with you to the Choctaw Nation? A Yes sir.
Q Did she come back with you? A Yes sir.
Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
Q Did she come back to the Cherokee Nation with you? A Yes sir.
Q And she lived in the Cherokee Nation then until she died? A Yes sir.
Q Have you got any proof, any witnesses? A Yes sir.
Q Who are they? A Charles Chambers and Jim Alberty.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee nation examined and the name of the applicant and her deceased daughter are not found thereon.

The Kerns Clifton roll examined and the name of the applicant is found on page 162, No.4013, Katie Coody, Coo-weescoowee District.

Q Did you draw money for Gertie and Tom? A Yes sir, the last payment.

The Kerns Clifton roll examined, and the name of Gertie Tinnon is found on page 171, No.4214, in Cooweescoowee Dist.

Q What is the name of the child, you have another you want to enroll? A Lunnie Tinnon.
Q How old is Lunnie Tinnon? A About 12 years old.

The Kerns Clifton roll examined for Lunnie Tinnon and his name is found on page 171, No.4213, in Cooweescoowee Dist.

Q Where does Lunnie live? A He lives in Sequoyah district with my sister. My sister is dead and my brother-in-law has got him,

Mr. Johnson Vann.

Q Won't he enroll him? A No sir, he aint been here to enroll him.

The Kerns Clifton roll examined and the name of the applicant's son is found on page 171 No.4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross L.B.Bell. You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him- we don't want two put on? A (No answer)

Q Where was this child born at? A Born right over on Panther Creek; they were all born over there.

Q How long has his mother been dead? A I reckon she has been dead about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace payment.

Q You married in the Choctaw Nation after you went back in 1866? A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Cherokee Nation whenyou came back? A I come to Webbers Falls and when I last returned I come to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q You say you came to Gibson, did you stop there any length of time? A When I come, I come to Webbers Falls; I come from Webbers Falls to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Barnes.

Q Aint she dead? A I don't know.

Q Name a live one? A I don't know; Packs was here and Thompson.

Q These packs were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Nave's place and from there to Susanna Ross' place.

Q You stayed at Henry Nave's place the first time after you came back from the Choctaw Nation? A Yes sir.

Q These packs knew you? A Yes sir.

Q You came directly to Gibson from the Choctaw Nationand on to Tahlequah? A Yes sir, when I first come inside of the limits.

Q Leave that out, and go to where you started from the Choctaw Nation the second time? A I came through to Webbers Falls and stayed one year at Gibson.

Q You said you came to Webbers Falls stayed a year, come to Gibson and stayed a year and then went back to the Choctaw Nation? A If I did I got it mixedup. I said I come to Webbers Falls and from Webbers Falls to Gibson and stayed there one year, and then went back to the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here- where did you come to on the second trip? A I come to Gibson and from Gibson to Tahlequah.

Q You come through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Nave's place one year? A Yes sir, one year.

Charley Chambers, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.
Q How old are you? A Seventy yearsold.
Q What is your post-office? A Hudson.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know the applicant here, Katie Blackwell? A Yes sir.
Q How long have you known her? A I have been knowing her ever since the war commenced.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A She belonged to James Sanders.
Q Do you know whether she was taken out of the Cherokee nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.
Q Where did she go to? A To th Choctaw nation.
Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '66.
Q Yousaw her in '66? A Yes sir.
Q Where? A I saw her at Gibson the first place.
Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.
Q After that? A Yes sir.
Q Where did you see her after that? A I never seen her no more after that. I never seen her any more until she come back again.
Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.
Q How long, five or six years? A Yes sir, as much as five or six years.
Q Have you seenher occasionally since that time? A Yes sir.
Q She has lived in the Cherokee nation since that time? A Yes sir.
Q Do you know her children? A I know them when I see them; I just can't name them all.
Q Do you know Bertie Tinnon? A I know her, yes, sir, when I see her.
Q Do you know the boy, Lunnie? A Yes sir.
Q Is he living? A Yes sir, he was living with her when I first knew him.
Q You don't know whether he is alive to-day or not? A No sir, I don't.

L.B.Bell: What time in the year 1866, did you see this applicant?
A It was along in the spring when I seen her.
Q That is along in April or May? A Somewhere along there; I couldn't tell you the month, anyhow the grass and leaves were out.
Q What were you doing in Gibson then? A I was riding around.
Q Just riding around? A Riding around, sir.

L.B.Bell of Applicant: Who brought you back to Webbers Falls?
A I come back myself, me and mother.
Q Nobody in your crowd? A No sir.
Q Where did you start from when you started back to Webbers Falls?
A I started back home.
Q Where did you start from? A From the Choctaw nation.
Q The Choctaw Nation is a good big place? A From Salt creek.
Q Old Dave Thompson's Salt Creek? A Yes sir.
Q Close to Boggis Depot? A Yes sir.
Q What time of the year did you start from there in 1866? A Why it was along in the spring.
Q The grass was up, wasit? A Yes sir.
Q How did you come? A Come by wagon.
Q About how long was you on the road? A Well, I don't know, sir, how long we were on the road.
Q A month, I guessit was one hundred miles or two? A I guess it was, I don't know how far it is from here to the Choctaw Nation.

Q I mean from Thompson's Salt Creek down to Webbers Falls? A I don't know how far.
Q Were you as much as three weeks on the way? A Yes, and maybe four.
Q How long did you stop at Webbers Falls? A We didn't stop very long at Webbers Falls.
Q A week or two? A About one week or two.
Q And then you came to Gibson? A Yes sir, came right on through.
Commissioner of Applicant: Your first husband's name was Thompson? A Yes sir.
Q Your second husband was Blount? A Yes sir.
Q Your third husband was Blackwell? A Yes sir.
Q What was your father's name? A His name was, as good as I can recollect, his name was John Fox.
Q Do you know what your mother's name was? A Martha Downig.
Q Who did you say you belonged to? A Mary Sanders and Tom Sanders.
L.B.Bell: Are they both dead? A My master is dead. I don't know whether Mary is dead or not.

Jim Alberty, being sworn and examined by Commissioner T.B. Needles, testified as follows:
Q What is your name? A Jim Alberty.
Q How old are you? A 70 years old.
Q What is your post-office? A Chouteau.
Q Are you a Freedman? A Yes, sir.
Q Your name is not on the roll of 1880, is it? A No sir.
Q Do you know the applicant here, Katie Coody, or Katie Blackwell? A Katie Coody, yes sir.
Q Was she a slave before the war? A Yes sir.
Q Who did she belong to? A To the Sanders.
Q Do you know whether she was taken out of the Cherokee nation or not during the war? A Yes sir.
Q Where to? A She went south.
Q To the Choctaw nation? A Yes sir.
Q Do you know when she returned? A Yes sir.
Q When? A In '66.
Q How do you know that? A I saw her at Gibson in '66.
Q Do you know how long she stayed in the Cherokee nation at that time? A No sir.
Q You don't know whether she went back to the Choctaw Nation or not? A No sir.
Q But you saw her in '66 in the Cherokee nation? A Yes sir.
Q Did you know her then? A Yes sir.
L.B.Bell: What time in the year of '66, did you see her? A It was kind of warm weather. I don't know exactly what time.
Q Was it summer or spring? A I think it was summer. It was warm.
Q Were you living then at Gibson? A No sir, I never lived at Gibson; never was there but three days at a time in my life.
Q You just happened to be there that day? A Yes sir, I used to go there pretty often.
Q Did you see her there pretty frequently for the next two or three years? A No sir.
Q Did you see her any more? A No sir.
Q You saw her at that time? A Yes sir.
Q Where did Sanders' live whom she belonged to? A They lived closed to Flint at that time, I reckon it is.
Commissioner Needles: In Flint District you mean, do you? A Yes sir, I thought it was Flint.
L.B.Bell: Were you ever at the house? A Yes sir, I have been at the house; that is not right at their house, I met them at a church.
Q Name some one in that neighborhood? A I wasn't acquainted there.
Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sander's aint the first people that raised them.
Q They were raised on a place with you? A Not here, but older

people.
Q I am asking you what you know about her? A I told you what I know about her.
Q You don't know where she did live, only that she lived in the nation? A That is all, I never was at her house.
Q You never seen her until you met her in '66? A Yes sir, I saw her before.
Q Where did you see her before? A On Pea-vine Creek near the Whitmire place.
Q That was a creek down in Goingsnake district, wasn't it?
A I don't know where it was.
Q What did you understand by Pea-vine? A That is what they called it, the Creek, Pea-vine.
Q Was you ever down on Pea-vine? A Yes sir.
Q When? A Before the war, I come from there.
Commissioner Needles: You say Sanders' lived in Flint district?
A I don't know exactly; it was down in that way.
Q You are not positive whether it was Flint District or not?
A No sir.
Commissioner of applicant: You know that these three children, Gertie Tinnon, Lunnie Tinnon, and Thomas Ross, are alive now are they? A Yes, sir, I brought the little girl with me.
Q Where is your boy? A He is in jail.
Q Who is Lunnie living with? A He is living with Johnson Vann.

Katie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mar and Tom Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '66. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896. Her name is found upon the Werns Clifton Roll, and the name of the three children, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Werns Clifton roll. She avers that she has been married three times; first, to Thompson; second, to one Blunt or Coody, and thirdly, to her present husband, John Blackwell. She is duly identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a decision in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed)E.C.Rothenberger.

Subscribed and sworn to before me this 20th day of May, 1901.

(signed)C.R.Breckinridge,
Commissioner.

32 Chee Jr. 1494

IN RE
THE DEATH OF

Vinta Hunt

A CITIZEN OF THE

Cherokee Nation

Approved NOV 9 - 1908 190

Commissioner

A. S. Wright
NOV 9 - 1908
FILED
Commissioner to the Five Civilized Tribes
DEPARTMENT OF THE INTERIOR.

32 Chee D. 1494

IN RE
THE DEATH OF

Watie Mest

A CITIZEN OF THE

Cherokee Nation

LB

Approved NOV 9 - 1908 190

Commissioner

J. S. Wright

FILED

NOV 9 - 1908

Commissioner to the Five Civilized Tribes

DEPARTMENT OF THE INTERIOR.

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Natie West
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near
Cattonwood Okla Ind. Ter., and died on the 2nd day of
(Here insert name of post office)
September, 1907.

AFFIDAVIT OF RELATIVE

I, Charles Mayfield, on oath state that I am 42
years of age and a citizen, by Adoption, of the Cherokee Nation;
that my postoffice address is Moffitt Okla Ind Ter.; that I am
(Here insert name of postoffice)
a Cousin of Natie West
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Adoption, of the Cherokee Nation
and that said Natie West died on the 2nd day of
(Here insert name of deceased)
September, 1907.

Charles Mayfield

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 9th day of September 1907

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

I, Thomas J. Watts, on oath state that I am 34
years of age, and a citizen by ——— of the United States Nation;
that my postoffice address is Muldrow Okla, Ind. Ter.;
(Here insert name of postoffice)
that I was personally acquainted with Natie West.
(Here insert name of deceased)
who was a citizen, by Adoption of the Cherokee Nation;
and that said Natie West died on the 2nd day of
(Here insert name of deceased)
September, 1907.

Thos. J. Watts

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 9th day of September 1907

Notary Public.

Cherokee Freedmen
R 207

Muskogee, Indian Territory, December 22, 1905

Neal & London,

Attorneys for Carrie West, et al.

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 25, 1905, granting the application of Carrie West for the enrollment of her minor children, Henry, Callis Jr., Cornelius, Charlie, Carrie, Ella, Watie, Walter, Sadie, Martha and Vinita West, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 13, 1905.

For your information a copy of Departmental letter is inclosed.

Respectfully,

LMB

Commissioner

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233 ---------- Mary Harris, et al.,
F-1234 ---------- Joseph Curry,
F-1235 ---------- Ostella Martin, et al.,
F-1236 ---------- Harrison Curry,
F-1281 ---------- Eliza Gaines,
F-1282 ---------- Jane Webb,
F-1283 ---------- Mary Mabry, et al.,
F-1284 ----------Berry Thompson, et al.,
F-1285 ---------- Julia Nash,
F-1286 ---------- Georgia Jones, et al.,
F-1287 ---------- John H. Nash, et al.,
F-1288 ---------- Malinda Johnson, et al.,
F-1289 ---------- Martha Grooms, et al.,
F-1290 ---------- Berry Nash,
F-1291 ---------- Edward Nash,
F-1292 ---------- Carrie Harris, et al.,
F-1293 ---------- Ella Humes,
F-1295 ---------- Michael Martin,
F-1296 ---------- George Martin, et al.,
F-1297 ---------- Joshua Martin,
F-1298 ---------- Edward Brown, et al.,
F-1299 ---------- Israel Martin, et al.,
F-1300 ---------- Nellie Brown, et al.,
F-1301 ---------- Harriett Tucker, et al.,
F-1302 ----------(Mydia Carter,
F-1303 ---------- Allie McElroy, et al.,

F-1304----------Robert Harper,
F--389----------Mary Robbins, et al.,
F-1414----------Houston West, et al.,
F-1415----------George West, et al.,
F-1416----------Callis West,
F-1417----------Callis West,
F-1494----------Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Ostella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Roy Martin,
3448	Myrrh E. Martin,
3449	Harrison Curry,
3530	Eliza Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elmer Thompson,
3536	Leo Thompson,
3537	Morrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Elsie Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Daxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinely Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Mumes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lettie Martin,
3591	Nellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Robbins,
3281	Vollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West Jr.,
4081	Cornelius West,
40 2	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Watie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088	Martha West,
4089	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Septe ber 28, 1906, this office transmitted a motion made by the Attorney for the Cherokee Nation for a review of, among others, the Cherokee freedman case of Callis West, D.1000, included in the decision of the Department of October 15, 1904 (I.T.D.7604-1904).

There was filed in this office June 2[illegible], 1906, by the Attorney for the Cherokee Nation, a motion for a review of the Cherokee freedmen case of Henry West, et al., children of said Callis West. The only right that the children of Callis West have to enrollment as Cherokee freedmen is as descendants of said Callis West.

The motion is enclosed for appropriate action in connection with the motion for a review filed in the case of Callis West.

Prior to the filing of this motion partial allotments of land in the Cherokee Nation were selected for Henry, Callis, Jr., Walter, Sadie, Martha and Vinita West, roll

numbers 4079, 4080, and 4086 to 4089 inclusive, respectively, for which allotment certificates have been mailed, except as to a part of the land selected for Sadie and Martha West, roll numbers 4087 and 4088. No deeds describing the lands selected have been prepared.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Encl. W-1.
C.W.

For records of
Henry West et al
See Jacket R. 207

J 1494
Henry Hudson
Sea Bird Jr
FK .C"

Cher Fr 1495
Trans. from Cher Fr D1187

Cher Fr 1495

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

BENJAMIN FOREMAN

as a Cherokee Freedman.

- - - - - - - - - - - -

CHEROKEE FREEDMAN D 1187

COMMISSION TO THE FIVE
FILED
AUG 16 1902

R
Cher. y D 1187

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Benjamin Foreman, page 531, # 706, Illinois District;
Also on Wallace roll, page 47, # 1008, Illinois District; also on 1896 roll, page 948, # 216, Illinois District, as Benj. Foreman.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

FILED
AUG 16 1995

JOR Cherokee F-D-1187.

Department of the Interior
Commissioner to the Five Civilized Tribes
Muskogee, I. T.
August 14, 1905.

In the matter of the application for the enrollment as a Cherokee Freedman of Benjamin Foreman.

BENJAMIN FOREMAN, appearing in person before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and being first duly sworn by Bruce C. Jones, a Notary Public, and examined, testifed as follows:

Q What is your name? A Benjamin Foreman.
Q How old are you? A I will be 33 my next birth-day.
Q What is your postoffice? A. Vian.
Q Are you a Cherokee Freedman? A Yes sir.
Q What is the name of your father? A Jesse Foreman.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee freedman? A Yes sir.
Q What is the name of your mother? A Julia.
Q Present name? A Crapo.
Q Is she living? A Yes sir.
Q In what district? A She is living at Vian.
Q Illinois district? A Yes sir.
Q Is your mother a recognized and enrolled Cherokee freedman?
A Yes sir.
Q Has she filed? A Yes sir.
Q Where ~~was she~~ were you born? A Cherokee Nation.
Q Whereabouts? A Illinois district.
Q How long have you lived in the Cherokee Nation?
A I lived in the Cherokee Nation all my life until the last few years ago; I staid in Arkansas about two years and something, when I was in prison.
Q Were you in prison in Arkansas? A Yes sir.
Q Was it the state penitentiary? A No, just a jail.
Q What jail? A Fort Smith jail.
Q When were you sent to the Fort Smith jail? A I was arested in 1895, 4th day of August.
Q Fourth day of August, 1895. A Yes sir.
Q When were you sent to jail? A I was sent to jail when I was arested.
Q How long did you stay in jail? A Two years.
Q You got out in '97? A Yes sir.
Q Where did you go when you got out of jail? A I come to Vian.
Q Where have you been since then? A I have been around Nowata, up that way, and Coffeyville.
Q Have you ever made application for enrollment as a citizen of the Cherokee Nation? A No sir, not since I got out of jail.
Q Why haven't you applied? A Well, I was around up in Coffeyville and did not get down here, they kept writing to me and I didn't come.

Q Where have you made your home since you were released from the Fort Smith jail in '97? A I have been staying here at Vian a while, and have been at Coffeyville ad Nowata.
Q Have you ever been married? A No sir.
Q Have you ever had a home outside of your mother's home?
A No, none but my mother's.
Q What were you doing up in Kansas? A I was working around, carried brick and any kind of work I could get to do.
Q When did you first go to Coffeyville? A I have been around up in that way for about 6 or 7 years, I guess, and back home, together.
Q When you left Vian after staying there two years, after getting out of jail, did you go to Nowata, or Coffeyville? A I went to Nowata.
Q How long did you stay there in Nowata? A I staid there about 6 or 7 months and went back to Coffeyville.
Q Was it the year 1901 or '2 that you went back to Coffeyville?
A It was two years after I got out of jail, I got out of there in '97.
Q When you were released from the Fort Smith jail you stated you went to Vian and staid two years? A Yes sir.
Q Then where did you go? A I went to Nowata.
Q How long did you stay at Nowata? A I staid there about a year.
Q And then you say you went back to Vian and staid 6 months?
A Yes sir.
Q And then you went back to Coffeyville. Have you been in Coffeyville ever since? A Yes sir.
Q You haven't made your home in the Cherokee Nation since then?
A No sir, I have been down and staid a little.
Q Where were you in the Spring ad Summer of 1901? A I don't remember where I was.
Q Did you ever know about the Commission to the Five Civilized Tribes sitting at Fort Gibson for the purpose of receiving applications for enrollment as Cherokee Freedmen? I heard about it but I wasn't there and seen it.
Q Did you know about the Commission being at Vinita? A No I don't remember whether I heard anything about that or not.
Q Did you hear about the Commission being at Nowata? A No sir, I didn't.
Q You never heard of the Commission being at Nowata? A No.
Q Did you ever hear about the Commission being at Chelsea?
A No, if I have I don't remember it.
Q Have you been at Coffeyville all the time for the last four years?
A Yes sir, off and on, at Coffeyville and down at Vian.
Q Have you staid anywhere else in Kansas besides Coffeyville?
A No, I have been at other places but I never staid there.
Q Since you were released from the Fort Smith jail, have you ever been arrested for any crime? A No sir.
Q Have you been charged with any? A No sir, I haven't been arrested nor charged with any since I left there.
Q How far is it from Nowata to Coffeyville? A I couldn't tell you how far it was; I don't know.
Q What is your best idea. A My best idea, I don't know much about miles, I couldn't tell you, I don't know how far it is.
Q Do you think it is as much as 200 miles? A No, I don't think it is that far.
Q Have you ever been from Coffeyville to Nowata? A Yes sir.
Q How many days travel is it on the train? A It ain't airy days travel, but I don't remember what time we got in there.

Q Do you remember what time you left Coffeyville? A On that morning train coming this way, I don't know what time it is.
Q Do you know what time you got to Nowata? A No sir, I don't.
Q Do you think it would take as much or more than a half day to make the trip? A Well, I couldn't tell how long it was coming, I don't remember.
Q You have been to Fort Gibson, have you? A Yes sir.
Q Have you ever lived there? A No, I never lived in Fort Gibson.
Q Has your mother ever lived there? A Not since I can remember. Since I can remember she was living at Vian.
Q Have you ever made your home with any one except your mother, up until the time you went to jail? A I made my home with my mother all the time.
Q At Vian? A. Yes sir.
Q Do you know where Illinois station is? A Yes sir.
Q How far is it from Illinois station to Vian? A About 8 miles ain't it? I don't know exactly, 7 or 8 miles, I think.
Q Do you know how far it is from Vian to Fort Gibson? A Thirty miles, I think, ain't it?
Q Did you ever know anyone by the name of Benjamin Foreman, besides yourself? A No, I don't think, I have, nope.
Q Have you any older brothers? A I ain't got no older full brothers, I have half-brothers that is older.
Q What are their names? A Rufus Mackey, Saul Foreman, Jess Foreman and one named Cato, but he goes by Vann, I think he is a half brother of mine.
Q Have you got the same father or mother? A Same father of me and Rufus and the same mother , and the rest of them the same father.
Q What is the name of your older half-brother, Jess's mother?
A I don't know Jesse's mother; I was to small to know her.
Q Have you some younger brothers? A Do you want the names of my younger brothers?
Q Yes. A Wesley Foreman, Aaron Foreman, Butler Foreman and Rogers.
Q Is Wesley living? A Yes sir.
Q Do you know how old he is now? A No, I don't know how old he is now.
Q Do you know how many years difference there is between your and his ages? A No sir, I couldn't tell you that.
Q What is the name of the child just younger than Wesley? A
A Aaron.
Q You say you have a sister named Katie? A Yes sir.
Q You say she is dead? A. She is dead, yessir.
Q You just stated you had a sister named Mary? A Yes sir.
Q Has she the same father or mother as you? A Same father, but not the same mother.
Q You say she is living? A Yes sir, she is living.
Q Did you ever vote in Kansas. A No sir, never voted in Kansas.
Q Not in city elections? A No sir, none, not since I left the Cherokee Nation.

The applicant is identified with his brothers and sister on the 1880 Authenticated Roll of Citizens of the Cherokee Nation, page 531, number 706 as Benjamin Foreman, Adopted Colored, 7 years of age.

He is identified on the 1896 Census Roll, page 948, number 216 as Benj Foreman, 22 years of age.

The applicant is also identified on the Wallace Roll of Cherokee freedmen, page 47, number 1008 as Benjamin Foreman, 17 years of age.

#4

Q Did you ever hold any property in the Cherokee Nation?
A Yes sir, I have owned some horses, cattle and hogs.
Q Did you ever have a farm in the Cherokee Nation?
Q None but what the old man left me.
Q That was your father? A Yes sir.
Q Is that a farm? A Yes sir, a pretty good farm now.
Q Where is it located? A It is located about 12 miles south of Illinois.
Q Illinois station? A Yes sir.
Q In what district is that? A Illinois.
Q How far is it from Vian? A It is 5 miles, called 5 miles from Vian.
Q How far is it from the Arkansas river? A From the Arkansas river, it is about 2 miles and a half.
Q On which side of the Arkansas, East or West side? A West side.
Q Who lives closest to his place? A Cato Vann, is the closest man to that.
Q What is the closest postoffice to the farm? A They have a postoffice now right down on the river, called Santown.
Q Is the farm on the same side of the river that Vian is?
A Yes sir, on the same side that Vian is.
Q Is that where your mother used to live? A Yes sir.
Q Is that where you were raised? A. Yes sir.
Q Don't you know whether the farm is on the east or west side of the Arkansas? A I don't know.
Q Who lives on the farm now? A One of my brothers.
Q What is his name? A Aaron, and a fellow by the name of Cotton, Synthia's husband.
Q Synthia is what kin to you? A Sister.
Q Did you ever draw any money from the Cherokee Nation?
A The old lady drawed it for me the last time a payment was made.
Q Do you know how much she drew? A No sir, I was in the lock-up and don't know how much she drew.
Q Was that while you were in jail? A Yes sir.
Q Do you know how many shares your mother drew? A No sir, I don't know exactly how many shares she drew.
Q Do you own any property in Coffeyville? A No sir, I don't own any.
Q That is your postoffice now, is it? A Vian is my postoffice now, that was my postoffice before I came down here.
Q Where do you want your mail sent to you? A I want it sent to Vian now?

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Citilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me, this the 29 day of ~~August~~ September, 1905, at Tahlequah Ind. Ter.

Notary Public.

JBM

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

DEC 7 - 1905

COMMISSIONER.

Cherokee Freedman D--1187.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BENJAMIN FOREMAN as a Cherokee freedman.

APPEARANCES:
For Applicant, In person.
For Cherokee Nation, J. S. Davenport.

JUDIE CRAPO, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Judie Grapo:
Q How old are you? A 53.
Q What isyour post office? A Sandtown, I. T.
Q Are you a Cherokee freedman? A Yes sir.
Q You want to give testimony in connection with the application of Benjamin Foreman for enrollment, do you? A Yes sir.
Q Is he related to you? A He is my son.
Q Is thishe (indicating applicant)? A Yes sir.
Q Where was he born? A Down there where we live.
Q In the Cherokee Nation? A Yes sir.
Q Wherehas he lived all his life? A Down there the biggest part of his life, he has been running around some, I can't tell you just where he has been, can tell you where he said he was.
Q Where? A He said he was up about Coffeyville and Nowata I think.
Q When did he first leave the Cherokee Nation, do you know? A He left, I don't know just exactly when it was, it has been 6 or 7 years ago, maybe 8.
Q Has he ever been married? A No sir, not as I know of.
Q Has he ever been back in the Cherokee Nation until probably 6 or 8 months ago after he left about 6 or 7 years ago? A Yes sir.
Q When? A He come back ever once in a while, be gone about six months and then come back.
Q How long would he stay when he come back? A Maybe a year or nine months, I can't tell you. He was home part of the time in that time.

BY MR. DAVENPORT:
Q You state you were his mother didn't you? A Yes sir.
Q ~~Well now where did Benjamin live up until 7 or 8 years ago?~~
A Where did he live.
Q Yes? A Down by home about six miles from Vian.
Q How did it happen that he went away, what was he doing that caused him to go away? A Nothing, just went off like anbody else going away.
Q How old is he? A To my judgment he is about 32, might be a little older.
Q He was a grown man when he left? A Yes sir.
Q Has Ben Foreman lived in the Cherokee Nation all the time from his birth up until 5 or 6 years ago? A Yes sir, lived right there, born and raised right there.

ON BEHALF OF THE COMMISSIONER:

Q What is the name of Benjamin's father? A Jesse Foreman.
Q Is he dead? A Yes sir.
Q Did you and Jesse have any other children besides Ben? A Yes sir.
Q Give their names? A Wesley, Cynthia, Roger, Ben and Aaron.
Q Did you name them according to their ages? A Yes sir, named them when they were babies.
Q I mean the oldest first? A Ben is the oldest, then Cynthia, then Roger, then Wesley, and Aaron is the youngest.

W I T N E S S E X C U S E D.

The applicant and the Atterney for the Cherokee Nation announces that they have no further testimony to introduce in this case, the same will be closed and a decision rendered on the evidence as heretofore introduced.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subsdribed and sworn to before me this 8th day of December, 1905.

Myron White
Notary Public.

Cherokee Freedman D 1187

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin Foreman for enrollment as a Cherokee Freedman.

-:-

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Benjamin Foreman as a Cherokee citizen. Further proceedings in the matter of said application were had on August 14, and December 7, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the said Benjamin Foreman should be classified as a Cherokee Freedman, that he is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, and has continuously resided in the Cherokee Nation since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Benjamin Foreman is entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this DEC 28 1905

Cherokee Freedman
D 1187

COPY.

Muskogee, Indian Territory, December 28, 1905

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory .

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Benjamin Foreman as a Cherokee Freedman.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED)

Tams Bixby.

Commissioner

Incl . B-92

COPY.

Cherokee
F D 1187

Muskogee, Indian Territory, January 13, 1906.

Benjamin Foreman,

Vian, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name shall have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

(SIGNED):

Tams Bixby.

Commissioner.

Incl. GL-4.
GHL

Cher Fr 1496
Trans. from Cher Fr 1233

Cher Fr 1496

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

SALLIE VANN

as a Cherokee Freedman.

- - - - - - - - - - - - - - - -

~~CHEROKEE FREEDMAN D 1238 (1233).~~

FILED

FILED
MAR 27 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the identification of Sallie Vann.

MR. NEAL:

John Childers, being duly sworn, testified as follows:

Q. What is your name? A. John Childers.
Q. Are you acquainted with Sallie Vann? A. Yes sir.
Q. Who is her husband? A. Jerry Vann.
Q. How long have you known Sallie Vann? A. I couldn't tell you how long. Ever since a short while after the war.
Q. Did you ever hold the official position of census taker for the Cherokee Nation? A. Yes sir.
Q. To make up what roll? A. The '80 roll, I think.
Q. At that time did you enroll Sallie Vann, wife of Jerry Vann? A. Yes sir, me and my partner, a man by the name of Morgan, took the census and put her on the roll. His name was Gid Morgan.
Q. You saw the applicant in this case a day or two ago? A. Yes sir.
Q. Is she the same Sallie Vann that you enrolled in 1880? A. I think so.
Q. Are you sure of it? A. Yes sir, I am certain of it.

COMMISSION:

Q. You say you saw Sallie Vann a few days ago? A. Yes sir.
Q. How old a woman is she? A. I couldn't tell you that. She is 50 or 60 or 70 maybe.
Q. What was her husband's name? A. Jerry.
Q. Was he a Cherokee Freedman? A. I think so. He used to live over in the Nation soon after the war.
Q. Why didn't you put his name down on the '80 roll? A. Whose name?
Q. Jerry's? A. We did.
Q. In what District was he living? A. Sequoyah District.
Q. This Sallie Vann that is on the '80 roll would be just about 50 years old now? A. I couldn't say about that for I don't know much about ages.
Q. Did she have any children at that time, in 1880? A. I don't know.
Q. Do you live in the neighborhood where Sallie Vann lives now? A. I don't know where she lives now.
Q. Was she living near you in 1880, when you made the roll? A. A. I was living in Fort Smith, and they lived over in the bottom somewhere.
Q. You do not know much about this Sallie Vann, do you? A. No sir.

Q. You do not know whether she was a slave or not?
A. No sir.
Q. Are you positive that the Sallie Vann you saw a couple of days ago is the same Sallie Vann that you put on the '80 roll?
A. I think so.
Q. You do not know whose slave she was? A. No sir.

WITNESS EXCUSED.

(The husband of Sallie Vann is identified on Cherokee Freedman card 365. On April 10, 1901 Jerry Vann appeared before the Commission and made application for the enrollment of himself and children. In his testimony taken on that date, at Fort Gibson, Indian Territory, he testified that his wife was not a citizen, and that she appeared on the '80 roll "for some cause".

COMMISSION:

I think this a very unsatisfactory identification.

The case will be held open until March 21, 1905 at 9:00 o'clock A.M.

Eula Jeanes Branson, being first duly sworn, states that, as Stenographer to the Commission to the Five Civilized Tribs she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 21st. day of March, 1905.

Notary Public /

FILED.
MAR 22 1905
COMMISSION ON FIVE TRIBES.

CHEROKEE FREEDMAN D 1233.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 21, 1905.

In the matter of the application for the enrollment of Sallie Vann as a Cherokee Freedman. Card Number, C.F.D. No. 1233.

APPEARANCES:

Neal and London for Applicant
W. W. Hastings and James S. Davenport of
Bell, Hastings and Davenport, for Cherokee Nation.

Now on this day appears Sallie Vann by her attorneys, Neal & London and the Cherokee nation by their representatives, Bell, Hastings & Davenport, and the facts in this case show that Sallie Vann is properly identified on the 1880 Roll, Sequoyah District, No. 1338, as Colored..

It is conceded by the applicant and by the Cherokee Nation that Sallie Vann, the applicant herein, is not a Freedman of the Cherokee Nation except in so far as she is the wife of Jerry Vann, who is a duly recognized and enrolled Cherokee Freedman. Sallie Vann does not claim, however, to be a Cherokee freed man, or a freedman by adoption in accordance with the Treaty of 1866, and by consent and agreement of the parties the case is now closed and decision will be rendered on the record as it now stands.

Ten days from this date will be allowed for the respective attorneys to file briefs.

C A S E C L O S E D.

Lucy M. Bowman being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she recorded the proceedings had in the above entitled cause on this twenty-first day of March, 1905, and that the above and foregoing is a full true and complete transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 21st day of March 1905.

Myron White.
Notary Public.

Jo 1235

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
.....

In the matter of the application for the enrollment of SALLIE VANN as a Cherokee Freedman.

PETITION.

Received a copy of the foregoing petition this 17th day of October 1906.
10-17-06.
Bell, Hastings & Dawes
Attorneys for Cherokee Nation

SHOEMAKER & POWELL
ATTORNEYS AT LAW,
MUSKOGEE, I. T.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the application of SALLIE VANN for enrollment as a Cherokee Freedman.

.....

To the Honorable the Commissioner to the Five Civilized Tribes:

Now comes your petitioner, Sallie Vann, and respectfully represents and shows:

That heretofore, and on June 30, 1902, application was duly made to the Commission to the Five Civilized Tribes for the enrollment of your petitioner as a Cherokee Freedman; That the name of your petitioner appears upon the 1880 Authenticated Roll of Cherokee Freedmen, page 795, number 1388, Sequoyah District; That on March 13, 1905, there was taken the testimony of John Childers, in the matter of said application, to the effect that your petitioner is the same person as the Sallie Vann whose name appears on said roll as above stated.

That your petitioner is informed and believes that the records of said Commission to the Five Civilized Tribes show that on March 31, 1905, the matter of said application was again brought on for hearing, and that on said date Messrs Neal & London appeared before said Commission as attorneys for your petitioner, and then and there conceded, as the record states, that your petitioner is not a Cherokee Freedman, and that she does not claim to be such Cherokee Freedman, and that said case was thereupon "Closed" by said Commission~~xx~~.

Your petitioner further represents and shows that she never at any time advised said attorneys, Neal & London, nor anyone else, that she was not such Freedman, nor gave them any instructions or authority whatsoever whereby they were given the right to make, or were in any way justified in making, said alleged "concession" before said Commission; that she did not know that said attorneys had taken such action until within the last few days; that she was not personally present before said Commission on said 31st day of March, 1905, and that if said attorneys did, at said time, concede, as stated in said record, that your petitioner

a Cherokee Freedman,
was not ~~entitled to enrollment~~, their action in so doing was without the knowledge or consent of your petitioner, and unauthorized by her.

Your petitioner further respectfully represents that she has resided in the Cherokee Nation continuously since the year 1876, and that she is entitled to enrollment as a Cherokee Freedman.

WHEREFORE, the premises considered, your petitioner respectfully prays that the action of said Commission in declaring said case "Closed" be set aside, that said case be re-opened, and that on a date to be set by you for the hearing of said cause your petitioner be permitted to introduce her testimony, and the testimony of her witnesses, for the purpose of proving that she is entitled to enrollment as above set forth.

And your petitioner will ever pray.

Her
Sallie X Vann
Mark
PETITIONER.

Witnesses to signature -
A Taylor
George W Pagett

Shoenfelt & Isabel
Attorneys for petitioner,
Muskogee, Indian Territory.

United States of America, :
Indian Territory, : SS.
Western District. :

SALLIE VANN, being first duly sworn, on oath says: That she is the petitioner named in the above and foregoing petition; that she has read said petition and knows the contents thereof, and that the same is true.

Sallie
Her X mark
Vann

Subscribed and sworn to before me this 16th day of October, 1905.

George W. Pagett
Notary Public

My commission expires July 11, 1909.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, Shoenfelt & Tisdel, by Mr. Tisdel.
For the Cherokee Nation, James S. Davenport.

SALLIE VANN, being first duly sworn, testified as follows:

Mr. Davenport: The representatives of the Cherokee Nation now ask that the record be made in this case and the attorneys representing this applicant be identified by the Commissioner, as thisis the second time and the second set of attorneys appearing in this case.

On Behalf of the Commissioner: The applicant, Sallie Vann, appears in person and by her attorney, Clark J. Tisdel of counsel Shoenfelt & Tisdel, Cherokee Nation represented by James S. Davenport.

BY MR. TISDEL:
Q What is your name? A Sallie Vann.
Q Where do you live? A In Sequoyah District.
Q Near what town? A Roland.
Q How far from Roland? A About a mile.
Q Are you the same Sallie Vann who appears upon the 1880 and Wallace rolls?

Mr. Davenport: I object to that as being incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: Objection noted.

A Yes sir.
Q Where were you living at the time you were placed upon the said roll? A In Mr. Morgan,s house.
Q What Morgan? A Gid Morgan.
Q Who, if anybody, was present at the time you made your application and was placed upon that roll? A Gid Morgan, John Childers and Harrison Foreman.
Q The records of the Commission show that on or about March 21, 1905, the matter of your application came on for hearing and that at that time Messrs. Neal & London appeared before the Commission as your attorneys, and that they then and there conceded that you were not a Cherokee freedman, and that you didn't claim to be such Cherokee freedman, I will ask you whether or not you ever authorized Messrs. Neal & London or anybody else, to make that statement for and on your behalf? A No sir, I didn't.
Q Did you ever make that statement in substance or in words to anybody? A No sir, I did not. Never spoke such a word to anybody.
Q And they are not yours? A No sir.

Q Where have you lived since 1879 and '80? A Lived right in Sequoyah District, aint never been away from there. I am further now than I ever have been.
Q Have you ever said to anybody or indicated to them that you were not properly on the roll and were not properly a Cherokee freedman? A No sir, never spoke such a word to anybody.

BY MR. DAVENPORT:
Q Where were you living in 1901? A In Sequoyah.
Q How did it happen that you didn't make application the same as you husband to be anrolled to the Commission? A I left that for my husband to do, I thought that he would do it.
Q How long have you and Jerry been living together as man and wife? A We were married in '79, and have been living together since.
Q Jerry was a slave of a Cherokee citizen prior to the war, was he?
Q Yes sir, I guess so, he claimed that when I got him and that to yet, the Indians recognized him, I guess he must have been.
Q Who were you a slave of?

Mr. Tisdel: I object to that on the ground that if this woman's name appears on the 1880 roll, as it does, and the Wallace roll, the Commissioner is without authority to go back of that.

On Behalf of the Commissioner: Objection noted.

A My master when he carried me away from here I was a little bit of a girl about 5 years old, and he died and when the war ended we started back, come back to Fort Smith the second year after the war, and come over here and stayed awhile and wasn't much work to do and went back to the State.
Q Just tell me who was your owner when the war broke out? A Mat Russel.
Q Where was he living when the war broke out? A I don't know sir.
Q Where were you living when the war begun? A Just in the time of the war I was a small girl, I have got no people.
Q Where did he take you to? A He took me south.
Q To what place? A I don't know, I can't remember.
Q Did he take you to Texas or Louisana? A Somewheres close to Texas, never went to Louisana.
Q Who was it took you south?

Mr. Tisdel: I object to that question for the same reasons as above.

On Behalf of the Commissioner: Objection noted.

A It was my master, he died you know just directly afterwar, the first year the war ended he died.
Q Where was he living at the time of his death? A In the south close to Texas.
Q What do you mean by close to Texas? A Living somewhere close to a place called Severe County.
Q That is Severe County, Arkansas, isn't it? A I don't know sir nothing about it.
Q He was living in Severe County as you remember it? A Yes sir.
Q After his death and about the second year after the war, you came back to Fort Smith? A Yes sir, the second year after the war. A man brought us back.
Q Who was that man? A I couldn't tell you that, I don't remember what his name, I was small.

Q Do you know about how old you were when the war broke out? A No sir.
Q You don't know where you were living? A No sir, I don't know a thing about it at all, because I was a small girl and never had nobody to teach me.
Q When you came back to the Cherokee Nation where did you go?

Mr. Tisdel: Objected to for the same reasons as above.

On Behalf of the Commissioner: Objection noted.

A In Sequoyah District.
Q To what place? A On Dr. Payne's place and Mr. Wheeler.
Q Bill Wheeler? A Yes sir.
Q You went on to Dr. Payne's place, then how long did you stay there before you went to Bill Wheeler's? A Went to Wheeler's first.
Q How long did you stay there before you went to Payne's? A About a Year.
Q You say you and Jerry was married in 1879? A Yes sir.
Q And have been living together ever since? A Yes sir.
Q Where have you been living all this time? A Sequoyah.
Q Near whose place? A Well I have been living on so many, now we live up on the mountain now, but when we lived in the bottom we lived close to Mr. Payne.
Q On whose place, your own? A Yes sir.
Q When you moved up there, from there, where did you go? A Then on the river on the Big Lake down there on Mr. Morgan's, a place he used to own.
Q Mr. Morgan, which one is that? A Gid Morgan.
Q When did you move on the place Mr. Morgan used to own? A I couldn't tell, I don't know.
Q About how many years before you and Jerry were married? A It was about somewhere's close about 20 years, no, about 19 years I guess.
Q You and Jerry had been married about 19 years then you moved from the Morgan place? A Before we moved there, ourown place from over there.
Q As you remember about 19 years after your marriage? A That is as close as I can come to it.
Q It had been several years anyway? A Yes sir.
Q How long had you known Mr. Morgan before you moved on the Morgan place? A I couldn't tell you, I don't know.
Q Had you ever lived there before you were married? A No sir.
Q Had you ever lived there before this time, you say you and Jerry moved there about 19 years after your marriage? A Yes sir, I reckon so.
Q I am asking you, did you ever say when? A How many years that we lived----
Q I say had you ever lived on the Morgan place before you and Jerry moved there? A Yes sir, we lived with him a year or two then we went over on our own place.
Q When was that ? A I don't know because I can't remember, don't know what year it was because I have got no learning.
Q You remember distinctly when you were married? A You see the reason I remember that he always keeps me in remembrance of that.
Q Can you tell me what year you moved on the Payne place after you and Jerry were married? A We didn't live on the Payne place, on our own place close to the Payne place
Q Can you tell me when you moved to the Wheeler place? A No sir, that was before I was married to this man

Q And your owner you say was Russel? A Yes sir.
Q What was his first name? A Mat Russel.
Q Did he have a family living in the Cherokee Nation? A No sir, he was a white man, but his wife, she had some Indian in her, and I don't know her people.
Q In fact you don't know of any Cherokees who ever claimed to own you and your people before the war? A No sir, I don't, I had nobody to tell me or teach me or nothing.
Q There are other Vann families livingin Sequoyah District and have been there for years, haven't they? A Yes sir.

Mr. Tisdel: I desire to renew my objection and move to strike out all the evidence that has been offered other than as for the purpose of identifying by Mr. Davenport upon the ground that it is immaterial, irrelevant and by reason of the fact that if she is on the 1880 roll it cannot be gone back of.

On Behalf of the Commissioner: Objection noted.

Q You say Neal & Londdn never represented you as your attorneys?
A Yes sir, they come to Tahlequah one time.
Q Did they ever represent you in this application, that you are now having heard? A No sir.
Q Did they ever have any athority to appear for you or represent you in this application before the Commission? A Yes sir, my husband had them, he got them sometime last year but I don't know what time it was.
Q Where is your husband now? A He is at home.
Q He has never given testimony for you in this case? A Not as I know of.
Q Have yuu him here today as a witness in your behalf? A No sir.
Q You and he were married before the 1880 roll was made, he would know whether you were living together and whether your name was put on thel880 roll or not, wouldn't he? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Have you and your husband lived together continuously since 1880? A Yes sir.
Q What are the names of your children? A Jimmie, Edna, Luella, and Jessie, May and Johnana.
Q Are you the mother of all those children? A Yes sir.
Q Jerry Vann the father? A Yes sir.

W I T N E S S E X C U S E D.

GIDEON MORGAN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Gideon Morgan.
Q What is your age? A 54.
Q What is your post office? A Tahlequah.
Q Are you a Cherokee by blood? A Yes sir.

BY MR. TISDEL:
Q Are you acquainted with the applicant, Sallie Vann? A Yes sir.
Q When didyou get acquainted with her and under what circumstances?
A I have been acquainted with her over 25 years somewhere now, along in '77 or '79. I don't know what circumstances, I think she worked for us a good many times.

Q Do you know who she married? A Jerry Vann.
Q Do you know where she was married? A No sir, only what she has told me.
Q Did you makeor take the census from which was made the 1880 roll in certain Districts? A John Childers and myself took it in Sequoyah District.
Q Do you know where Sallie Vann was living at that time? A I think she was living with jerry down on the river, on the Arkansas River or up on the mountain, moved out there, lived in Sequoyah District.
Q Now you may state, if youx know, whether or not this Sallie Vann who is the wife of jerry Vann was placed upon that roll by you?
A Well if she is on that roll she was placed on there by myself and Mr. Childers.

Mr. Davenport: I object to that and move to strike the answer from the record because it is not responsive to the question. The question is whether he put her on there. The National Council took u the roll and appointed a committee to examine the roll and strike out or add to it.

Q To get back to it did you put her on? A I think we did. I know them very well, I know Jerry, he worked for me years and years and years, and I am satisfied we put them on the roll. She is Jerry's wife.
Q That is to the best of your recollection is it? A Yes sir.

BY MR. DAVENPORT:
Q Have you any specific recollection at all of enrolling the applicant here, Sallie Vann? A No sir.
Q The only thing that you are testifying to is that hen you people were making the roll in Sequoyah District, you listed their names making the roll? A Yes sir.
Q And after that time the roll was taken up andreviewed by the Council, or committees appointed by the Council? A Yes sir.
Q There were other Vann families living at that time in Sequoyah District? A I think so.
Q The husband, Jerry Vann, would come more near knowing whether the applicant was enrolled on the 1880 roll than any one else? A I think so.
Q She being his wife at the time? A I think so.

W I T N E S S E X C U S E D.

SALLIE VANN RECALLED:

BY MR. TISDEL:
Q Is this your first appearance before the Commission in the matter of your application? A Yes sir.

By agreement between the attorneys for the applicant and the Cherokee nation this case will be continued until Thursday, November 2, 1905.

----------oOo----------

George H. Lessley, being first duly sworn states, that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 21st day of October, 1905.

Myron White
Notary Public/

FILED

OCT 25 1905

Cherokee Freedman D-1233.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 25, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, W. W. Hastings.

ON BEHALF OF THE COMMISSIONER:

The representative of the Cherokee Nation, W. W. Hastings, appears this day and announces that he has no further testimony to offer in this case and the same will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of October, 1905.

Bruce E. Jones
Notary Public.

Cherokee Freedman D 1233

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Vann as a Cherokee Freedman.

-:-

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That on June 30, 1902 Emmet Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Sallie Vann as a Cherokee citizen. Further proceedings in the matter of said application were had on March 13 and 21, and October 19 and 25, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Sallie Vann, should be classified as a Cherokee Freedman, and that she is identified on the Cherokee authenticated tribal roll of 1880 and since that date up to and including September 1, 1902, has continuously lived in the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Sallie Vann is entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly granted.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this DEC 28 1905

COPY.

Cherokee Freedmen

D-1233.

Muskogee, Indian Territory, March 27, 1905.

Neal & London,

Attorneys for Sallie Vann,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on March 13, 1905, in the matter of the application for the enrollment of Sallie Vann as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S101.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1833,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1905.

Sallie Vann,
Vian, Indian Territory.

Dear Madam:

This office has considered the motion of your attorneys, Shoenfelt & Tisdel, for a reopening in your Cherokee freedmen enrollment case, and said attorneys have this day been advised they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 19, 1905, and offer testimony as to your citizenship.

Respectfully,

Commissioner.

LS

Cherokee Freedmen

COPY.

D-1233.

Muskogee, Indian Territory, October 17, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

This office has considered the motion of Shoenfelt & Tisdel for a reopening in the Cherokee freedmen enrollment case of Sallie Vann, and said attorneys have this day been advised that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 19, 1905, and offer testimony as to the citizenship of the said Sallie Vann. The Cherokee Nation will be permitted to appear on that date and offer any testimony it may desire in this case.

Respectfully,

Commissioner.

Lc

Cherokee Freedmen

D-1233.

COPY.

Muskogee, Indian Territory, October 17, 1905.

Shoenfelt & Tisdel,

Muskogee, Indian Territory.

Gentlemen:

This office has considered your motion for a reopening in the Cherokee freedmen enrollment case of Sallie Vann, and you are hereby advised that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 19, 1905, and offer testimony as to the citizenship of the said Sallie Vann.

Respectfully,

Tams Bixby.

LS

Commissioner.

Cherokee Freedmen

D-1233. COPY.

Muskogee, Indian Territory, October 17, 1905.

Sallie Vann,

Vian, Indian Territory.

Dear Madam:

This office has considered the motion of your attorneys, Shoenfelt & Tisdel, for a reopening in your Cherokee freedmen enrollment case, and said attorneys have this day been advised they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 19, 1905, and offer testimony as to your citizenship.

Respectfully,

(SIGNED)

Commissioner.

1S

COPY.

Cherokee Freedmen

D-1233.

Muskogee, Indian Territory, October 25, 1905.

Shoenfelt & Tisdel,

Attorneys for Sallie Vann,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of October 19, 1905, in the matter of the application for the enrollment of Sallie Vann as a Cherokee freedman.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-306

Cherokee Freedmen

D-1233.

Muskogee, Indian Territory, October 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of October 19, 1905, in the matter of the application for the enrollment of Sallie Vann as a Cherokee freedman.

Respectfully,

Incl. S-307

Commissioner.

Cherokee Freedmen

D-1233.

COPY.

Muskogee, Indian Territory, November 3, 1905.

Shoenfelt & Tisdel,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of October 25, 1905, in the matter of the application of Callie Vann for enrollment as a Cherokee freedman.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

Incl. S-82

COPY.

Cherokee Freedman
D 1233

Muskogee, Indian Territory, December 28, 1905

W. W.Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Sallie Vann as a Cherokee Freedman.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED

Tams Bixby.

Commissioner

Incl. B-91

COPY

Cherokee
F D 1233

Muskogee, Indian Territory, January 13, 1906.

Shoenfelt & Tisdel,

Attorneys for Sallie Vann,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Sallie Vann as a Cherokee freedman.

Respectfully,

SIGNED
Tams Bixby.
Commissioner.

Incl. GL-7.
GHL

COPY!

Cherokee
F D 1283.

Muskogee, Indian Territory, January 13, 1906.

Sallie Vann,

Roland, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for your enrollment as a Cherokee Freedman.

You are advised that you will not be permitted to make an allotment selection until your name shall have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Incl. GL-3.
GHL

Ft. Smith, Ark., 9/25 1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Sallie Vann case

(supplemental testimony)

Neal Leader

Attorney for Applicant


OCT
19

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
OCT 18
AM

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Sallie Winn,

Vian, Indian Territory.

Cher Fr 1497
Trans. from Cher Fr D934

Cher Fr 1497

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 17, 1901.

In the matter of the application for the enrollment of Frankie Grimmett and Harry Grimmett as Cherokee Freedmen.

Appearances:
A. S. McRea, attorney for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Hattie Adair, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hattie Adair.
Q How old are you? A I am 35.
Q What is your post office? A Tahlequah.
Q What district do you live in? A I live at Timbered Hill.
Q Cooweescoowee district is it? A Yes, sir.
Q What do you apply to be enrolled as, Cherokee Freedman?

McRea: I will state, your Honor, that she wants to enroll her two children just now, their father having been enrolled upon the Wallace roll and the Kern-Clifton roll, and he is now in prison, having been sent off to prison; she wants to enroll the children and their names I think appears upon one or the other of the rolls.

Q Are they your children? A Yes, sir.
Q What are the names of the children? A Frankie Grimmett.
Q How old is she? A She is 12 and past.
Q What is the name of the next one? A Harry Grimmett.
Q How old is Harry? A He is 10 and a little over.
Q What is the name of the father of these children? A Bill Grimmett.
Q Willis Grimmett, isn't it? A Well they call him Bill.
Q Is he living? A Yes, sir.
Q What is the name of the mother of them? A Hattie.
Q Are you the mother? A Yes, sir.
Q Were you married to William Grimmett? A Yes, sir.
Q Are you divorced from him? A No, I have no divorce.
Q Are you married at the present time? A Yes, sir
Q What is your husband's name? A William Adair.
Q Where is your husband, Grimmett? A At Lansing.
Q Is William Grimmett's name upon the roll of 1880? A I think it is.
Q Are you the mother of these children? A Yes, sir.
Q Have you any proof of marriage between William Grimmett and yourself? A I have.
Q Well, what is it; have you got it here with you? A Nothing only Mrs. Walker.

Mr. McRea: We just want to refer to the rolls to ascertain if the father, Willis or Bill Grimmett, appears upon the Wallace roll or any of the rolls of the Cherokee Nation.

Mr. Hastings: Did your husband have any relatives, father or mother, brother or sister? A A father.
Q What was his father's name? A Ellis Grimmett.

Commissioner: How old is your husband William Grimmett? A Why to my best judgment he is somewheres, 35 or 40, I can't say just, I can't be positive of his age.

Mr. Hastings: Where did you marry your husband? A I married him at Timbered Hill.
Q In what year? A I can't tell you the date because I don't remember about how many years ago.
Q Near what town were you married? A Why near Chetopa, Timbered Hill.

Q At whose house were you married? A Mrs. Walker's.
Q She was living in Chetopa at the time, wasn't she? A Why no, I said on Timbered Hill.
Q Answer the question whether she was living in Chetopa at the time? A No, it was on a place —
Q How far from Chetopa? A I don't know the miles, I can't tell you myself.
Q You were never out there before? A I was out there before, I had visited there.
Q Did William Grimmett have an own sister or brother? A He had a brother.
Q What was her name? A Bessie.
Q Did you ever know him in Oswego, Kansas? A No, I didn't know him in Oswego.
Q Did you ever live in Oswego? A No, I never lived there.
Q Have you known William Grimmett for the last 18 years?
A Yes, sir, of course.
Q Did you know him during the Wallace payment in 1890? A I can't tell you positively what payment it was, I can't tell that because I don't recollect it.
Q That was the payment before that last one that the colored people drew? A I don't know anything about that, I don't remember that.
Q Where have you been living? A Well, I haven't been stationary at any one place particularly because I had my children to take care of and had to work from one place to another
Q Where was this oldest one born? A Frankie?
Q The girl? A She was born at Mrs. Walker's.
Q Where was that? A At Mrs. Walker's place.
Q Well, where was that? A On Timbered Hill I think her place is, called Timbered Hill.
Q Where was Henry born? A I haven't got any Henry.
Q Well, Harry? A He was born at Vinita.
Q You claim that you haven't lived with William Grimmett in Oswego Kansas since you married him? A I haven't lived at Oswego.
Q Have you ever stayed there any time? A I haven't been there any time, I have been through there.
Q Well, where have you been living? A I have lived at Vinita a while.
Q How long, and when? A The last two years I have lived there, off and on, just in and out.
Q Now your oldest child here is 18 years of age; was that child born when you married William Grimmett? A No, it wasn't.
Q It was born after you married him? A Yes, sir.
Q Then you married him about 1888? A I suppose so, I don't remember nothing about the dates.
Q Where did you live in 1888 or '89, immediately after you married him? A I lived out on his place a while.
Q Where was his place? A I will tell you the place in a minute; the nearest station is Welch.
Q In what direction from Welch did you live? A I can't tell you now what direction it is from here.
Q I mean from Welch, your home, north or east or south or west?
A Seven miles if I am not mistaken, I think the place lies a little southeast if I am not mistaken; I can't tell you in just what direction it is because I don't know.
Q Who were your neighbors out there? A There wasn't very many there, Mrs.; what is this man that lives close by —
Q You can't remember any of them? A Yes, I can, give me time and I can remember them; Gibson is one of the neighbors.
Q What is his first name? A I don't know his first name, I

called him Mr. Gibson.
Q Is that the only neighbor you can think of out there? A Well there was other white folks around.
Q As an actual fact, how long did you live on this place? A I lived there, you might say six months at a time, six months to three months at a time.
Q Where did you go to from there? He never made a crop on it?
A Yes, sir, made a crop on it, he has.
Q What kind of a crop, what did you plant or grow? A Why corn and potatoes and those things, of course.
Q Then where did you move to from there? A I was to Mrs. Walker's place and back and forwards to Vinita and work.
Q You never lived up in Kansas? A Oh I have lived in Kansas a short time, not very long at a time, back and forwards to the place.
Q ~~Now what kind of~~ a place did you live in on that place? A Just a lumber, just this common lumber that they made those days, it was made out of ——
Q How many rooms to the house? A Just two rooms.
Q Do you own it yet? A Yes, sir, the place is there yet.
Q How many acres you got enclosed in the field? A There is 160 acres he said.
Q Does that belong to your husband Adair or did that belong to your former husband, Grimmett? A Why Grimmett, I didn't say anything about my husband Adair at all.
Q It is in the name of your husband Grimmett, all the time, is it?
A Yes, sir, it is.
Q And you have had that ever since you and he was marrie'?
A Yes, sir.
Q And about seven miles southeast of Welch? A Well, I can't tell you from here what direction.
Q On which side of the M.K.& T. railroad? A It is on this side.
Q On the west side? A Yes, sir.
Q And yet you say it is southeast of Welch? A Well it must be I suppose this is south (indicating) and isn't this west (indicating)?
Q Do you live at Timbered Hill now? A No, sir, I don't live at Timbered Hill, I am living here now.
Q Here at Nowata? A Yes, sir, right here.
Q How long have you lived here? A Been down here for the last two or three weeks.
Q Where did you come from? A From Mrs. Walker's place.
Q Where is that? A Why Timbered Hill, where I have been visiting her.
Q How long have you been visiting her? A Been there a month I guess.
Q Where did you come from when you came to visit her? A I came from Vinita.
Q How long had you been at Vinita? A I can't tell you how long I had been there.
Q Where did you come from when you came to Vinita? A I had been working at Gibson.
Q At Fort Gibson? A Yes, sir.
Q Who did you work for down there? A Worked for a family named Jones.
Q White or colored? A I worked for a white family.
Q Names Jones? A Yes, sir.
Q What did Jones do, the man? A He works, I don't know, at some store, he is some clerk.
Q Do you know where the store is he clerks? A I don't know just the store he clerks, because I haven't been there.
Q You never heard him say? A I never heard him say; I have my work to do, I am in the kitchen, I am not in the front part of the

house visiting.
Q How long had you been at Fort Gibson? A I think four weeks to that place.
Q What kind of a house did Jones live in? A It is a plain house.
Q Frame& house of log house or what? A Frame house.
Q What part of town, who lived around him, some of his neighbors?
A I had no time to see who folks are.
Q You don't know? (No response.)
Mr. Rea: I don't understand what you are driving at. This woman is not making any application herself. I object to the manner of questioning this woman.
Commissioner: Well, you go on and ask her what questions you want.
Mr. Rea: Mrs. Adair, do you state that you are the mother of Frankie and Harry Grimmett? A Yes, sir.
Q The children of William Grimmett, who is now in prison at Lansing, Michigan? A Yes, sir.
Q Where were these children born? A Harry was born at Fort Gibson.
Q And Frankie? A At Vinita.
Q Who was the father of your husband William Grimmett? A Ellis Grimmett.
Q Do you know who was his mother? A Easter I think; but I never saw him.
Q Never knew his mother? A No, sir, his mother was dead years ago.
Q Has he ever drawn any money for himself and these children? A He has never drawn from the children, he has drawn for himself.
Q Where were you and he married at? A We were married at Miss Lewis'.
Q Where? A At Vinita.
MrRea: In the Cherokee Nation? A Yes, sir.
MrRea: Now I would like to have the Wallace roll and the Kern-Clifton roll referred to for the name of William or Bill Grimmett.
Commissioner: You want to refer for these children, don't you?
McRea: A Yes, sir.
Commissioner: You and your husband William Grimmett separated?
A Well, he went to the pen.
Q When did he go? A The first time; he has been twice.
Q Is he in the pen now? A Yes, sir.
Q When did he go the first time, how long ago? A Well, I guess the time time was nearly 11 years ago, ten or eleven years ago.
Q How long was he sent for that time? A Two years and nine months, or three years.
Q Then did he come back? A Yes, sir.
Q You lived with him after he came back? A Yes, sir, when he came back.
Q Then how long did you live with him before he was sent the second time? A Well, he wasn't at home much, just in and out.
Q But you don't know how long from the time that he came out the first time until he was sent the second time? A Well, probably been two or three years.
Q How long was he sent for the second time? A Life time.
Q You ever procure a divorce? A No, sir.
The 1880 authenticated roll examined and the father of the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Q You were married to Frank Grimmett on Timbered Hill? A Not Frank Grimmett, Bill Grimmett, yes, sir.

Q Who married you? A Preacher, just a common preacher.

Q Is he living? A I don't know.

Q What is His name? A Washington.

Q Now how long did you live with William Grimmett until he was sent to the penitentiary the first time? A Well, probably two years, I am not certain.

Q Were both these children born before he was sent to the penitentiary the first time? A Not both the first time.

Q Frankie was born? A Yes, sir.

Q Well then how long after he was sent to the penitentiary the first time was Harry born? A The first time, a little over two years, no, three.

Q Three years after he was sent? A Yes, sir.

Q And that was before he came back from the penitentiary the first time? A No, it is not that, because he was here; Harry was only eight weeks old when he was sentenced this last time.

Q Then he must have been sentenced the last time about ten years ago? A I can't tell you because I don't know, I don't remember; I don't mean to say when he was sent off; he laid in jail six months.

Commissioner: Did William Grimmett have any relations you know of? A Yes, sir.

Q Who were they? A Ellis Grimmett and Emily Walker.

Q Did he have any uncles? Ben Grimmett.

Q Did he ever have an uncle? A His uncle Ben.

Q You don't know whether your husband drew money for these children or not? A I don't think he did.

McRea: I didn't ascertain whether or not the name of William Grimmett was on the Wallace roll and the Kern-Clifton roll, the father of these children.

Commissioner: Did William Grimmett ever have a sister? A Yes, sir.

Q What was her name? A Bessie.

The Wallace roll examined and the name of Willie Grimmett found thereon, page 58, No. 686; district, Oswego, Kansas;

The Kern-Clifton roll examined and the name of William Grimmett found thereon, page 105, No. 2630, Coweescoowee district; no age given; on roll with Harry and Joe, 67 and 5 respectively.

McRea: Mrs. Adair, was your husband William Grimmett, was his post office address Oswego; did he ever receive his mail there; did you all ever live near that locality? A Well he was in jail there, while he was in jail he had his mail there.

Q While he was incarcerated in jail at Oswego, Kansas? A Yes, sir.

Q Where were you living then? A I was at Vinita here while he was in Oswego jail.

Q Is this William Grimmett, do you claim this William Grimmett, to be your husband, whose postoffice address at that time was Oswego, Kansas? A Yes, sir, my husband, Bill Grimmett.

Q And that he was the father of these children for whom you make application? A Yes, sir.

Q Well your child Frankie, does she ever go by any other name other than Frankie? A They call her Frances some times; her right name is Frankie.

McRea: I have nothing more to ask now. I would ask for a continuance until to-morrow, when we will get some witnesses.

Mr. Hastings: Where was your husband convicted first, in what Court? A At Oswego.

Q What was he convicted of up there? A Burglarizing.

Q You were living with him there at the time he committed the act?
A I wasn't even at Oswego.
Q Where were you living then? A I was down to his aunt, Amily Vann.
Q How long had you been married to him? A Well, I can't tell you just the number of years, because I don't remember.
Q Was this oldest child born then? A Yes.
Q Don't you know; you seem to be undecided? A No, I am not, I said yes sir.
Q Where was he convicted the second time? A Why at Florence, Kansas
Q What was he convicted for at Florence? A I can't tell: gamblers run all over, it is not for me to know.
Q You were not up there? A No, sir, I wasn't there.
Q What was he convicted of the last time? A Murder.
Q In the Courts of Kansas: he was convicted up there? A It must be in Kansas, I guess Florence is, I don't know; that is where he done the work.
Q Where were you and Adair married? A Parsons.
Q When? A February 15th.

McRea: I object to that.

Commissioner: That is all right.

Q What was that, last February? A No, sir.
Q What February, what year? A I can't tell you the year.
Q Was that this year or last year? A Not quite three years ago, a little over two years I think now.
Q Where is your child Frankie? A She is here.
Q How long has she been here, with you? A Yes, sir.
Q Have you got any of your husband's relatives here that you can prove that this William Grimmett is the William Grimmett that is on the roll? A They are here; they undoubtedly are here.
Q You intend to bring them in, do you, to prove that?
Q Why if it is necessary.

McRea: I object to that.

Commissioner: She needn't answer that.

Commissioner: Did William Grimmett ever live in the Cherokee Nation after he was convicted first in Kansas? A Yes, sir, he was back and forward, I can't tell you how long, because he was just in and out.
Q You and him never had a residence? A We built our home.
Q Did you ever have a permanent residence in the Cherokee Nation after he was first convicted; in the Cherokee Nation? A Why his home has always been here.
Q He has been in Kansas and he is now in the Penitentiary, but the question is, did you ever live together or keep house together in the Cherokee Nation after he was convicted the first time? A Why I guess for two or three months we have on his place, after he came back the first time.
Q You lived on his place all this time? A Not all the time, because I had to work for my two children, they are both small, and I had to go where I could get work to do. I would come down here occasionally and visit here and work out.
Mr. Hastings: Where did you work? A I worked in different places?
Q Name some of them? A I can't do it.

McRea: I object to that; she is not the applicant.

Commissioner: It is a matter of residence of both of these children.

Mr. Hastings: She is reluctant to answer it? A I have told you twice.
Q Tell us what town you have worked in? A I can't do it.
Q Name some of them? A I worked in Tahlequah and Vinita.
Q Who did you work for in Tahlequah; give me the name of some one?

A I worked for a family named Wilson there.
Q What is his first name? A I don't know his first name, Mr. Wilson is all I know.
Q What is business? A I don't know, he has got a farm, I don't know as he is in any particular business.
Q What kind of a house did he live in? A Lived in a house like other folks lived in.
Q Brike house, stone house, what kind of a house? A No, a frame building.
Q Two story or one story? A Square top.
Q One story? A Square top I should have said.
Q When did you ever live in the town of Tahlequah? A Why I have been there in the last - - I was there the last two years, and past.
Q At Wilson? A At Wilsons.
Q Did Wilson have a wife? A No, sir.
Q A bachelor? A Yes, sir.
Q No children then? A Yes, he had a wife; I was just joking, the family I worked for had a wife.
Q What was her name? A Mrs. Wilson.
Q What was her first name? A I don't know, I always called ~~them~~ people I work for Mr. and Mrs, I didn't inquire and I can't tell you.
Q Was Wilson a young man or an old man? A He wasn't so old.
Q Light or dark whiskers? A He was about your color, if you call that light or dark.
Q About my size, build? A I can't tell you anything about your size, you are sitting down.
Q Did he have any children? A Oh yes, he had children.
Q What were their names? A Had a boy named Johnny, and the others was named Lillie and Maggie.
Q Those were two girls? A I guess Lillie and Maggie must have been girls.
Q And that was about two years ago you were there? A It must have been a little over.
Q Was it three years ago? A I didn't say three, I said over two years ago.
Q ~~Was it that in the spring or fall~~ Did they have a spring or a well?
A These people they had a well, just like they have a well on a place, a little ways from the house.
Q They live right in town? A I didn't say lived right in the heart of town, I didn't say that.
Q In the edge of town? A Yes, sir.
Q Which edge of town, north, east, south or west? A I don't know whether it is north, I can't tell you here whether it is north or south.
Q How long did you work for Wilson down there? (No response).
Q Where were these children all the time? A They stayed at Mrs. Walker's a part of the time.
Q Where was she living? A At Timbered Hill.
Q Is she any relation of yours? A No, sir, she is my husband's, I have no relations at all.

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At request of applicants attorney, case continued for further testimony.

****

Frankie Grimmett - 8.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 24th of June, 1901.

Commissioner.

KDR 94

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 18 1901

In the application for the enrollment of
Frankie and Harry Grimmett-

Continued from Stenographer B. O. Jones.
Original application started June 17th 1901.
Present date being, Nowata, I. T. June 28th 1901.
* * * * * * * * * * * * * * *

By A. S. McRea, (Colored) attorney for applicant-

ELLIS GRIMMETT, being sworn by Commissioner T. B. Needles, testified as follows for the applicant-

Q What is your name? A. Ellis Grimmett.
Q What's your age? A. 50.
Q Post office? A. Welch.
Q Have you a son by the name of William? A. Yes sir.
Q Is he a Cherokee freedman? A. Yes sir.
Q Where is he now? A. In Prison.
Q Was he ever married? A. Yes sir.
Q To whom? A. A woman named Mattie.
Q What is her present name now do you know? A. I dont know.
Q Is it ~~Emma~~ Adair? A. I think it is.
Q Did he have any children by her? A. One
Q Boy or girl? A. Boy.
Q Its name please? A. Harry.
Q Is that the same child that is enrolled with its father William on the Kern Clifton roll? A Yes sir.

By W. W. Hastings, Cherokee attorney.

Q Was the mother of this child a state raised woman? A. Yes sir.
Q When did you first see her? A. The first time was in Chetopa Kansas
Q When? A. I cant tell exactly.
Q About how long ago? A. 15 or 16 years ago.
Q Who was she living with then? A. Just working there in town.
Q Who for? A. I dont know just who
Q What was her husband's name at that time? A. I don't think she had one when I saw her then.
Q Did your son and she ever marry by a preacher? A. Not as I know of my own knowledge, only what I heard.
Q You never saw them living together? A. Yes sir.
Q Where? A. In Columbus Kansas.
Q When was that? A I cant tell just exactly.
Q Has it been ten years ago? A. About 18 or 19 years ago.
Q Do you know how long they lived at Columbus? A. About a year.
Q Was this child born while they were living together? A Yes sir.
Q In Columbus? A. Yes sir.
Q Where did he go from there? A. To the Territory.
Q Where did she go from there? A. I cant tell you that.
Q Have you ever seen her since up to this time? A. No sir.
Q And that was about 18 years ago that you ~~by~~ they were living together A Yes sir.
Q And he came away from there and she remained there ? A I dont know where she went.
Q Did you ever see these two people living together in the Cherokee Nation? A. No sir.
Q Do you know of them ever keeping house together in the Cherokee Nation? A. No sir.
Q You were not there when they married? A. No sir.
Q Did you visit them there? A. Once.
Q Was this child Harry born at that time? A. Yes sir.

Q She had another child in the house too? A. Yes sir.
Q That was her child by some other man before they went to living together? A. Yes sir, supposed to be.
Q How many more did she have? A That was all.
Q Where is this child now? A. On the ground I think.
Q Have you seen it since you saw it at Columbus? A.Once, just here.
Q When? A. This week.
Q Where have you been living? A. Near Welch.
Q How far from Timber Hill? A. Between 2 and 3 miles.
Q If this woman had been living at Timber Hill 12 or 13 years you would have known it wouldn't you? A. Yes sir.
Q Do you know a woman there named Mrs. Walker? A. Yes sir.
Q How far does she live from there? A. ? miles.
Q Where did this woman come from when she came here to be enrolled?
A I cant tell.
Q Were you ever at the house of Mrs. Walker? A. Yes sir.
Q Frequently? A. Yes sir.
Q Did you ever see the alleged mother of this child there? A. No sir
Q Ellis Grimmett is your son & isn't he? A. No sir I am Ellis Grimmett my son's name is Will.
Q Where is he now? A. In the pen.
Q In Kansas? A. Yes sir
Q What penitentiary? A. Lansing.
Q Where was he convicted? A. He got into trouble when they were taking that last census and was sent up there.

By McRae-

Q You said a while ago that you know your son and this woman were married in Columbus 12 or 13 years ago and that they had this boy Harry? A. No sir I didn't state it in that way.
Q Is it correct that they had a child at Columbus Kansas 12 years ago and that Harry is the child? A. No sir I didn't state that.
Q Then you dont mean to state that that child was born 12 years ago?
A No sir, if I made that statement I am mistaken, I dont mean that he is 12 yurs of age. He asked me how long it had been since I had seen my son there, and I said 12 years ago, never said anything about the child being born.
Q The record shows that you said that at that time there was a child there who was the child of your son and this woman? A. There was one there.
Q Was it Harry? A There was two there.
Q How long has it been to your knowledge since Will and this woman lived together as man and wife? A. I dont know as they were ever married.
Q Didn't you state that they were married and had this child born to
A I didn't say how long they lived together, I dont know how long they lived together.
Q Did they ever live together as man and wife? A. From what I can hear they did, I dont know of my own knowledge.
Q Didn't you state that this boy Harry who was enrolled on the Kern Clifton roll was your grand son and the son of your son William? A Yes sir.
Q Didn't you state that Nattie , this woman here, was your son Williams wife and the mother of this child? A. Yes sir.
Q Is that correct? A. Yes sir.

By Hastings-

Q You dont know if they were married or not? A. I dont know only through hearsay, I wasn't there.
Q How long had your son been in Columbus Kansas before he began living

with her? A. I dont know.
Q How long was you there that time? A. I was just passing through and staid there all night.
Q You dont know how long they lived together? A. No sir.
Q That was 16 or 18 years ago? A. Yes sir.
Q And that was the last time you saw this woman until your saw her here? A. Yes sir.
Q You know that she had a child before she lived with your son? A. Not of my own knowledge, but that is my information.
Q Is she married now? A. I dont know.
Q Was William ever married to some one here? A. Yes sir
Q Who? A. Mary Shafer.
Q When did he marry her? A. I just dont remember.
Q Was it before he went up there? A Yes sir.
Q Who married him to this woman down here? A. He is a preacher that used to preach in Vinita.
Q What became of his first wife? A. She is in the pen.
Q With him? A. She went since.
Q He never was divorced from her in the courts? A. Not that I knowof
Q Now let me understand you, do you mean to say that he was married to Mary Shafer before we went to Columbus and before you saw him with this woman sitting here? A. No sir it was after that.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the alleged father of the child applied for identified as follows-
Page 112, No. 1307 Willie Grimmet, Goowescoowee.

Kern Clifton roll examined and the applicant found as follows-
Page 105 No. 8431 Harry Grimmett, Goowescoowee district.

By the Commission of the witness-

Q Where were these children born? A. One was born in Kansas
Q Which one? A. Joe.
Q Where was Frank born? A. I dont know.
Q Where was Harry born? A. I cant tell you.

Hattie Adair called and sworn as a witness for the applicant-

By A. S. McRae-

Q What is your name? A. Hattie Adair.
Q What is your age? A. I am 35 or 6.
Q What is your post office? A. Nowata.
Q Did you make application a few days ago for the enrollment of your two children Frankie and Harry Grimmett? A I have two children, Harry and Frankie, yes sir and I made application for them.
Q Who was the father of these children? A Bill or Will Grimmett.
Q Where is he now? A. In the pen.
Q Were you the mother of any other children besides these two before you and Will Grimmett married? A. No sir that is all I ever had.
Q Were you living in Columbus Kansas 15 or 16 years ago and were you the mother of a child at that time? A. I never lived there 15 years ago.
Q Was you married then? A. No sir.
Q Was Bill Grimmett your first husband? A. Yes sir.

Q About how long ago has it been since you and he married? A. I cant tell just the day nor the year, but it has been about 14 or 15 years ago.
Q How long did you and he live together as man and wife? A. We lived together about a year.
Q Are Frankie and Harry Grimmett the children of your former husband Will Grimmett? A. Yes sr.
Q You say you never had any other children? A. No sir.

By Hastings-

Q Who married you? A. A preacher named Washington.
Q Where were you married? A. Fort Gibson
Q You lived in Fort Gibson before you married did you? A. Yes sir.
Q Who with? A. The widow Lewis.
Q Where were these children born? A. Frankie was born at Fort Gibson at Mrs. Lewis'
Q When were you at Columbus Kansas? A My husband was in jail up there and I went up here to see him.
Q Where was Harry born? A. On Timber Hill.
Q Did you know this man Ellis Grimmett on Timber hill? A Yes sir I knew father Grimmett there.
Q How long didyou live with Will Grimmett as your husband? A. About a year and six months, about six months before Frankie was born we separated.

By Hastings of Ellis Grimmett-

Q Where did you first know of your son living with this woman here? A To the best of my recollection it was at Columbus
Q Was he ever in jail up there? A. I think he was.
Q Was he in jail when you staid there all night? A. No sir.
Q They were living there then? A. Yes sir.
Q Was this boy Harry born in Columbus? A I think so.
Q And you never saw this woman on Timber hill? A. No sir.

By Hastings on witness Hattie Adair-

Q Where was Frankie born? A. At Fort Gibson.
Q At whose place? A. At Mrs. Lewis' place, a widow lady.
Q Didn't you say when you were here before that Frankie was born at Mrs Walker's place on Timbered Hill? A. No sir.
Q Where was Harry born? A. On Timber hill.
Q How didn't you state before that Harry was born at Vinita? A. No sir he was born on Timbered Hill.

Master Grimmett, called and sworn as witness for the applicant-

By McRae-

Q What is your own Name? A Master Grimmett or Williams it is now.
Q What is your age? A. 20.
Q What is your post office? A. Ruby.
Q Are you an authenticated freedman? A. Yes sir
Q On the authenticated roll of Cherokee freedmen? A. Yes sir
Q Are you acquainted with Will Grimmett? A. Yes sir he is my nephew.
Q Was he married? A. He said he was married.

Q To whom did he say he was married? A.—

By Hastings- " I object to that question "

By the Commission of witness

Q Were you present at the wedding? A. No sir.

By McRae-

Q Just state of your own knowledge what you know about this Will Grimmett and this woman here being married? A. He claimed her as his wife is all that I know.
Q Did he also claim these children? A. Yes sir, he wrote a letter about it.
Q Who did he write that letter to? A. To me.
Q What did he say in that letter? A.—

By Hastings- " I object to that "

By Hastings of applicant-

Q Were you and Will Grimmett married by a license? A. He had a preacher marry us, and he gave him some writing.

By Hastings-

" The representatives insist that the applicant be required to produce the alleged certificate of marriage or show that it has been destroyed or lost"

By McRae-
" I except to that proposition "

By Com'r Needles,-
Hattie Adair applies for the enrollment of her two children Frankie and Harry Grimmett; she avers that she was married to one Will Grimmett a Cherokee freedman who is entitled on the authenticated roll of 1880 and who is not confined in the penitentiary. The name of Frankie Grimmett is not found on any of the rolls of the Cherokee Nation and the name of Harry Grimmett is found on the Kern Clifton roll; The testimony is not satisfactory in any of its points but enough has been adduced to justify the Commission placing these children on a doubtful card for further consideration, consequently the said Frankie and Harry Grimmett will now be listed for enrollment as Cherokee freedmen on a doubtful card and it will be necessary for applicant to file proof of birth as to Frankie and proof of marriage between herself and her alleged husband William Grimmett. She will be notified of the final decision of the Commission by mail.

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Chas. Van Weise being sworn states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes.

Chas. Van Weise

Subscribed and sworn to before me this the 14th day of July, 1921.

(C O P Y)

R

REJECTED as to Joe Grimmett.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Ellis Grimmett for the enrollment of his son William and grandson Joe Grimmett, as Cherokee Freedmen; being sworn by Commissioner Needles, and examined by the Commission, he testified as follows:

Q What is your name? A. Ellis Grimmett.
Q How old are you? A. About 49 years old as well as I can guess at it, I don't know my age.
Q What is your postoffice address? A. Welch
Q You live in Cooweescoowee District? A. In Delaware.
Q Now who do you want to apply for. A. Willie Grimmett. Harry Grimmett and Joe Grimmett; them is his 2 children.
Q Willie Grimmett is your son? A. Yes sir.
Q Is his name Willie or William ? A. William
Q Why does he not apply for himself? A. He is in prison.
Q What place? A. Lansing, Kansas.
Q How old is he? A. About 27 years old.
Q Was he born and raised in the Cherokee Nation? A. Yes sir
Q How long has he been in prison? A. Directly after the enrollment here, when they were taking the census.
Q The Kern-Clifton enrollment? A. Yes sir.
Q How long is he to remain in prison? A. If I aint mistaken I think it is 99 years.
Q You are his father? A. Yes sir
Q Who was his mother? A. His mother was named Lizzie
Q Is she living? A. No sir.
Q Was she a Cherokee Freedwoman? A. No sir
Q She was a state woman was she? A. She was a Choctaw I think
Q Was she recognized as a citizen of the Choctaw Nation? A. I could not tell, I don't know whether she was or not.
Q Did she ever live own there? A. No sir.
Q Were you married to her? A. Yes, sir.
Q Has William ever been recognized as a Choctaw? A. No sir.
Q Did he ever draw money as a Choctaw? A. No sir.
Q Did he ever apply for enrollment as a Choctaw? A. No sir.
Q What is the name of his first child? A. Harry
Q How old is Harry? A. About 11 years old I think
Q What is the name of the next child? A. Joe.
Q Joe or Joseph? A. Joe.
Q How old is Joe? A. Joe is about 8 I expect.
Q Are these children both alive and living with you at the present time? A. No sir, they are living with their mother.
Q What is their mother's name? A. I can't think of Harry's mother, Hattie Adair.
Q Is she Harry's mother? A. Yes sir.
Q Is she living? A. Yes sir.
Q Is she a Cherokee Freedman? A. No sir.

Q Who was Joe's mother? A. Willie Brown her name is
Q Is she living? A. Yes sir.
Q Is she a Cherokee Freedman? A. No sir.
Q Was your son William married to Hattie Adair? A. I think so.
Q You don't know that he was married? A. No sir.
Q Youd didn't see them married? A. No sir.
Q You know that they ever lived together as man and wife? A. Yes sir
Q How long did they live together? A. 4 or 5 years I guess
Q Where did they live? A. They lived in Columbus awhile.
Q In Columbus, Kansas? A Yes sir.
Q I thought you said William had lived in the Cherokee Nation all his life? A. Well he did build, after he stayed there awhile, he come and built in the Territory right there near me.
Q When did he go to Columbus? A. He wasn't there long, he didn't stay more than a year.
Q He was in prison at that time? A. No sir, he wasn't in prison then.
Q Was he married to Willie Brown, Joe's mother? A. No sir.
Q He wasn't married to her atal? A. No sir.
Q She was a state woman? A. Yes sir.
Q Is there anybody here knows he was married to Hattie Adair? A. Not that I know of; she is here on the ground.

HATTIE ADAIR, being sworn by Com'r Needles, and examined by the Commission, testified as follows:

Q What is your name? A. Hattie Adair
Q How old are you? A. About 35 or 36 I don't know my age, just exactly.

Com'n: It appears from the testimony taken in the matter of the application of Hattie Adair for the enrollment of her 2 children, that application was made on the 7th day of June for the enrollment of one Harry Adair; it appears that the Harry Adair applied for at that time is the same Harry Adair for whom application is now being made, consequently, the application being made at this time for the enrollment of said Harry Grimmett will be withdrawn.

Applicant, ELLIS GRIMMETT, re-called, and further examined:

BY COMMISSION:

Q You know of your own knowledge that William Grimmett was never married to Willie Brown, Joe's mother? A. To the best of my judgment.
Q You know they were never married? A. Yes sir
Q Is William's name on the roll of 1880? A. Yes sir.
Q Is his name on the 1896 roll? A. No sir.
Q Did he draw the Kern-Clifton money? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's son identified on
page 112 #1307 Willie Grimmett, Cooweescoowee Dist., "No age or nationality."
1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found:
Kern-Clifton pay roll of citizens of the Cherokee Nation examined for applicants and identified on
page 105 #2630 William Grimmett, Cooweescoowee District;
page 105 #2632 Joe Grimmett, Cooweescoowee District.

Ellis Grimmett for son Wm. and grandson Joe--3

COMMISSION; Ellis Grimmet applies for the enrollment of his son William Grimmett, and his 2 grandchildren, Harry and Joe Grimmett; it appeared, however, during the course of the examination, that application had already been made for the enrollment of his grandson, Harry Grimmett, consequently application made at the present time was withdrawn; said William Grimmett is identified upon the authenticated roll of 1880 and the Kern-Clifton roll of 1896; he is at present in prison at Lansing, Kansas; satisfactory proof as to his residence has been made, consequently he will be listed for enrollment as a Cherokee Freedman; it appears from the testimony that his child Joe is his child by one Willie Brown, a state woman; the applicant, Ellis Grimmett, states that his son, William Grimmett, was never married to this child's mother, consequently the enrollment of the child is refused; this child, however, is identified upon the Kern-Clifton roll as a Cherokee Freedman.

-/-/-/-/-/-/-/:::-/-/-/-/-/

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M.D.GREEN

Subscribed and sworn to before me this July 11, 1901.

(Signed) T. B. NEEDLES

Commissioner

Lucy M. Bowman, being duly sworn, states that as s enographer to the Commissi ner to the Five Civilized Tribes, she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 8" day of August, 1905.

Notary Public.

(D) 3D934

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 17 and 22, 1901

Post Office Muskogee I. T. Box 1004

District 100

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

1. Frankie Grimmett Year — Page — No. — Dist. —
2. Harry " Year 1900 Page 15 No. 1421 Dist. 100
5. Year ..... Page ..... No. ..... Dist. .....
6. Year ..... Page ..... No. ..... Dist. .....
7. Year ..... Page ..... No. ..... Dist. .....
8. Year ..... Page ..... No. ..... Dist. .....
9. Year ..... Page ..... No. ..... Dist. .....
10. Year ..... Page ..... No. ..... Dist. .....
11. Year ..... Page ..... No. ..... Dist. .....
12. Year ..... Page ..... No. ..... Dist. .....

Application made by Nettie Maxey Grimmett Stenographer [illegible]

~~Can~~ Can't advise as to applicant

[illegible] Agent for applicants

Freedmen 1934

IN RE
THE DEATH OF
Frankie Grimmett
a citizen of the
Cherokee Nation.

Approved NOV 4 1902
T. B. Buckingham
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 4 1902

Freedmen F. 1934

Freedmen F. 1934

IN RE
THE DEATH OF

Frankie Grimmett

a citizen of the

Cherokee Nation.

Approved Nov 4 1902

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
NOV 4 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Frankie Gimmett
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Keleh, Ind. Ter., and died on the 16" day of
(Here insert name of postoffice.)
Oct., 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, W. M. Adair, on oath state that I am 35
years of age and a citizen, by Admission, of the Cherokee Nation;
that my post office address is Keleh, Ind. Ter.; that I am
(Here insert name of post office.)
Step Father of Frankie Gimmett,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Admission of the Cherokee Nation;
and that said Frankie Gimmett died on the 16" day of
(Here insert name of deceased.)
October, 1902. Wm. A. Dair

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 day of October 1902

V. A. Timmons
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hattie Adair, on oath state that I am 40
years of age, and a citizen, by Admission, of the Cherokee Nation;
that my post office address is Keleh, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Frankie Gimmett
(Here insert name of deceased.)
who was a citizen, by Admission, of the Cherokee Nation;
and that said Frankie Gimmett died on the 16" day of
(Here insert name of deceased.)
October, 1902. Hattie a Dair

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 day of October 1902

V. A. Timmons
Notary Public.

My Commission expires Oct. 3, 1903.

Cherokee Freedmen D-934

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. NOVEMBER 18, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Frankie Grimmett, et al., as Cherokee Freedmen.

On October 13, 1904, , Hattie Adair was notified by r registered mail, and on October 25, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Frankie and Harry Grimmett, minor children of the said Hattie Adair, as Cherokee Freedmen, would be taken up by the Commission to the Five Civilized Tribes, at its offices at Muskogee, Indian Territory, on the 18th day of November, 1904/, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt of the Commission's letter has been acknowledged by attorney for the applicants.

Now on this 18th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submit this case upon the evidence now of record.

-o-o-o-o-o:-o-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 18th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance

Subscribed and sworn to before me this 15 day of December, 1904

Chance H. Harryman
Notary Public.

Cherokee Freedman D 934

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee Freedmen.

--:--

O R D E R .

It is ordered that a copy of the testimony taken on June 28, 1901, at Nowata, Indian Territory, in re application of William Grimmett et al., for enrollment as Cherokee Freedmen, Case No. 1126, be filed with and made a part of the record in the application for the enrollment of the said Frankie and Harry Grimmett as Cherokee Freedmen, Case No. D 934.

Tams Bixby
Commissioner.

Muskogee, Indian Territory,

this _____

Cherokee Freedman D 934

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee Freedmen.

--:--

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, on June 17, 1901, Hattie Adair, appeared before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, and made application for the enrollment of her minor children, Frankie and Harry Grimmett as Cherokee Freedmen. Further proceedings in the matter of said application were had on June 28, 1901, at Nowata, Indian Territory, and on November 18, 1904, at Muskogee, Indian Territory. A copy of the testimony taken on June 28, 1901, at Nowata, Indian Territory, in re application of William Grimmett for enrollment as a Cherokee freedman, case No. 1126, is filed herewith and made a part of the record herein.

IN BEHALF OF THE APPLICANTS: It is alleged that they are the children of William Grimmett, a Cherokee freedman, and Hattie Adair, formerly Grimmett, a non-citizen of the Cherokee Nation; and that they are entitled to enrollment as Cherokee freedmen, as descendants of their father.

THE EVIDENCE IN THIS CASE SHOWS: That the said William Grimmett is identified on the Cherokee authenticated tribal roll of 1880, page 112, No. 1307, Cooweescoowee District, and the records of this office show that he was duly listed for enrollment as a Cherokee Freedman on Freedman card No. 1126, and is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on April 30, 1904, opposite No. 3267.

It is not satisfactorily shown that the said William Grimmett and Hattie Grimmett, now Adair, were legally married, but it is shown that during the early 90's they cohabited as man and wife, and that, during such cohabitation, the applicant, Harry Grimmett, was born; and that on, and for several years prior to September 1, 1902, he continuously resided in the Cherokee Nation, and is identified, together with his father, the said William Grimmett, on the Kern-Clifton roll, page 105, No. 2631, Coowescoowee District.

Only the uncorroborated testimony of her mother, Hattie Adair, is introduced to prove that the applicant, Frankie Grimmett, is a child of the said William Grimmett, which is expressly denied by the said William Grimmett, and impliedly denied by his father, Ellis Grimmett, who testified as a witness in this case in behalf of the applicants. Said Frankie Grimmett cannot be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicant, Harry Grimmett, was born since 1880, and is the immediate descendant of a duly enrolled Freedman citizen of the Cherokee Nation, whose name is identified upon the Cherokee authenticated tribal roll of 1880; and that, after ample opportunity having been afforded, the evidence introduced in her behalf does not satisfactorily show that the applicant, Frankie Grimmett, possesses any rights to enrollment as a Cherokee freedman, consequently, her application comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04, Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04) and Moses Ross (I.T.D. 6056-04).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of section twenty-one of the Act below noted, Harry Grimmett is entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly granted; and that, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Frankie Grimmett is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this 6 SEP 8 1904

Chr F 1497

32

IN RE
THE DEATH OF
[illegible]
A CITIZEN OF THE
[illegible] Nation

Approved 190

Commissioner

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes
RECEIVED
NOV 10 1909

Ans Fl 1497

32

Department of the Interior,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harry Grimmett
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

(Here insert name of post office) Ind. Ter., and died on the day of

, 1

AFFIDAVIT OF RELATIVE

I, , on oath state that I am

years of age and a citizen, by , of the Nation;

that my postoffice address is (Here insert name of postoffice) Ind. Ter.; that I am

(State relationship: as the father; an uncle; a cousin, etc) of (Here insert name of deceased)

who was a citizen, by , of the Nation

and that said (Here insert name of deceased) died on the , day of

, 1

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

State of Kansas
Lyon County

I, C. E. Lett, on oath state that I am Thirty nine

years of age, and a citizen of Kansas of the United States of America ~~Nation~~;

that my postoffice address is Emporia Lyon County Kansas ~~Ind. Ter.~~;
(Here insert name of postoffice)

that I was personally acquainted with Harry Grimmett
(Here insert name of deceased)

who was a citizen, by birth, of the Cherokee Nation;

and that said Harry Grimmett (Here insert name of deceased) died on the 16 day of

October 1909 C. E. Lett M. D.

WITNESSES TO MARK:

(Must Be Two Witnesses) Sam Ray

Subscribed and sworn to before me this 6 day of November 1909

L. M. Carter.
Notary Public.

Comm. expires May 1-1 " 1911.

3814

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Frankie Grimmett,
Nowata, I. T.
Cherokee F-D-934
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

(C O P Y)

Lansing, Kans. Jan. 23d/ 1902

T. B. Needles, Hon. Sir:
Member of Daws Com's.
Muskogee, I. T.

I again rite you of personal interest and that of my family as Cherokee Freedmen I trust you will furnish me with the information I ask which is I want to know what members of my family are on Roll as Cherokee Freedmen are they as follows, Harry, Joseph Grimmett & Wife of William Grimmett Hattie & my Self William Grimmitt Pleas send me the names of my family whether on the roll those that are recognized as Cherokee Freedmen abd citizens of I.T.

Respt.
William Grimmett
Box 2 Lansing Kansas.

P.S. Is there any law for a person or persons to swere that Children are theres so to get them on Roll & is there any Proction in that way for a Prisnore in Prison I would like very much to know. Hoping to hear from you soon

Respt.
William Grimmett
Lansing Kan.

Box 2

I am a life time Prisnor. I wish to know as to wife h having a Husband in Prison and Marrying another without any Legal Separation Whatever and use the former Husband name to inroll Her Self and family by.

P. S. Will I haft to have a gardeane for my Self Will I be admited to apoint a man here for a gardeane for my Self and minor Children or will the goverrment apoint one for me rite me in full.

W. G.

(C O P Y)

Muskogee, Indian Territory, January 30, 1902

Mr. William Grimmett

Box 2,

Lansing, Kansas.

Dear Sir:

The Commission is in receipt of your letter of January 23, inquiring as to the enrollment of yourself and family as freedmen citizens of the Cherokee Nation.

In reply you are advised that your father made application to this Commission for your enrollment, and you have been listed upon a straight card. You are further advised that application for the enrollment of your child, Joseph was made to this Commission by its mother, and that this child was placed upon a rejected card. Hattie Adair has also made application for the enrollment of two children, of whom she alleges you are the father. She applies for the enrollment of Frankie Grimmett, while it is noticed in your letter that you do not mention any child by the name of Frankie Grimmett. Please advise the Commission if you have such a child.

The Commission will not appoint a guardian for these children, but if you desire, you can apply to the Courts to have someone that you may desire appointed as their guardian.

Your former wife, Hattie, has not applied to this Commission for her own enrollment as a freedman of the Cherokee Nation.

Yours truly
(Signed) TAMS BIXBY
Acting Chairman

(C O P Y)

KANSAS STATE PENITENTIARY,

Lansing, June 27, 1902.

Tams Bixby,

Muscogee, I.T.

Dear sir:

Replying to your letter under date Jan 30-1902 for Wm Grimmett, he desires me to say that he does not acknowledge Frankie Grimmett as his child; that his children are Harry and Joseph Grimmett.

You say in this letter that Joseph was placed upon a rejected card; Joseph should be enrolled. I understand from Grimmett that these two children have long since been enrolled and certain money placed to their credit in the proper department from money derived from the sale of lands known as the Cherokee Strip Outlet money. Grimmett claims that while this money has been placed to the credit of his children, that it has never been paid to them, and he does not understand why. Can you give him any information upon this subject? Can you refer me to any attorney in Muscogee or in that vicinity who will take up Grimmetts matters for a reasonable consideration, and give him that attention which the law requires? I cannot do so and it seems he ought to have some one to attend the matter for him.

Very truly yours,

(Signed) .B. JEWETT

Sept. 16th 1902.

Lansing.

Box 42. Lans.

Ston. Commission

To The five civilized Tribes.

Muskogee. I.T.

Sirs. I am now informed

hear that there is a

and five families upon

my farm and allotment

Without any Right ar-

lor authority whatever.

I Shall Give a

the names of heads of

Three families Squatters

and make affidavits.

both of these men are

Known in this and

have Criminal record

and I fear the Safety of

my aged Father from

Live near my farm

15136 (2) 3—

and I do respectfully
request that this
may and family re-
be moved at once
from my premises and
abatement. I am informed
also that some one of
these families has been
receiving small sums
Likely that I may
be required to
and Responsible for some
I will Suggest that I
do not receive anything
at all of the sum due
to them at this time
in your letter dated 17th 1902
and I have no knowledge
at all and I trust
that there is no
necessity for any
better and more humane

and what ever Crime
Their is on the Plan
against it Said and
all money over and
above Expences will
be Sent here to
me. and all monies
that are Recived by this
Indulgence more or less
my Lords proportion
that his Grace Said
Will be Sent over
to the Propagation of
the Gospel as Soon
the Master Desire
me here and then

---

have not given
Power to any Body
one Penny Before
a free Leave in future

1513

Cherokee F.D-934

Muskogee, Indian Territory, October 23, 1902.

W. M. Adair,

Welch, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of October 18, stating that your step-daughter, Frankie Grimmett, has died since the date of her application for enrollment as a Cherokee Freedman.

There is enclosed you herewith blank form of affidavit, which you are requested to have properly executed and forward to the Commission at the earliest possible date, in order that the death of said Frankie Grimmett may be shown upon the Commission's records.

Respectfully,

Acting Chairman.

Enc. 1 D.C.

Cherokee Freedmen

D-934.

COPY.

Muskogee, Indian Territory, August 9, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the testimony taken on June 28, 1901, in the matter of the application for the enrollment, as Cherokee freedmen, of William Grimmett, et al., Cherokee Freedmen 1126, together with a copy of an order of the Commissioner to the Five Civilized Tribes dated August 5, 1905, making said testimony a part of the record in the matter of the application for the enrollment, as Cherokee freedmen, of Frankie Grimmett, et al., F. D. 934.

Respectfully,

SIGN: Wm O Beall

Acting Commissioner.

Incl. S-8

LS

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-934.

Muskogee, Indian Territory, October 17, 1903.

Hattie Adair,

Nowata, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor children, Frankie and Harry Grimmett, as Cherokee freedmen, you are advised that before a decision can be prepared in your case, further testimony is required as to your residence and that of your said minor children.

You are therefore hereby directed to appear before the Commission at its offices at Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

D-934.

Muskogee, Indian Territory, July 5, 1904.

Hattie Adair,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your two minor children, Frankie and Harry Grimmett, as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case, it will be necessary that further testimony be introduced as to the residence of the said Harry Grimmett.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 O'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

D-378. 434

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Hattie Adair, for the enrollment of her two minor children, Frankie and Harry Grimmett, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to the residence of Harry Grimmett.

The applicamt has therefore this day been directed to appear before the Commission at Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

1009

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-934.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 10, 1904.

Hattie Adair,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your two minor children, Frankie and Harry Grimmett, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of the said Harry Grimmett since his birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 16, 1904, and introduce the testimony of such witnesses as you may be able to procure, touching on the points above mentioned.

Respectfully,

Register.

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen,
D-934.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 13, 1904.

Hattie Adair,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of Frankie and Harry Grimmett as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

Commissioner in Charge.

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHE.

I.T.D. 17902-1905. January 11, 1905.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 9, 1905, your office transmitted the record in the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee freedmen, including your decision of September 8, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett.

Reporting December 22, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan.

First Assistant Secretary.

1 inclosure.

Cherokee
F D-934.

COPY

Muskogee, Indian Territory, September 9, 1905.

A. S. McRea,

Attorney for Frankie Grimmett et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Harry Grimmett, and rejecting the application for the enrollment of Frankie Grimmett, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) Clifton Breall.

Acting Commissioner.

Incl. GL-224.
GHL

Adc[illegible]

Cherokee
F D-934.

COPY.

Muskogee, Indian Territory, September 9, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Harry Grimmett, and rejecting the application for the enrollment of Frankie Grimmett, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED W. O. Beall

Acting Commissioner.

Incl. GL-225.
GHL

COPY

Muskogee, Indian Territory, September 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett.

Respectfully,

(SIGNED) W. O. Beall
Acting Commissioner.

Incl. GL-226.
GHL

Through the
Commissioner of Indian Affairs.

COPY

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D-934.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1905.

Hattie Adair,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Harry Grimmett, and rejecting the application for the enrollment of Frankie Grimmett, as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. GL-223.
GHL

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

Land
73497-1905.

December 22, 1905.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from Acting Commissioner William O. Beale, dated September 9, 1905, transmitting for Departmental consideration the record in the proceedings had in the matter of the application for the enrollment of Frankie and Harry Grimmett, as Cherokee freedmen.

On September 8, 1905, the Commissioner to the Five Civilized Tribes rejected the application for the enrollment of Frankie Grimmett, and granted the application for the enrollment of Harry Grimmett, holding that the evidence in this case shows that the applicant, Harry Grimmett, was born since 1880 and is the immediate descendant of a duly enrolled freedman citizen of the Cherokee Nation whose name was identified on the Cherokee authenticated tribal roll of 1880; and that after ample opportunity having been afforded the evidence introduced in her behalf does not satisfactorily show that the applicant Frankie Grimmett possesses any rights to enrollment as a Cherokee freedman; that consequently her application comes within the rulings of

the Department in the cases of Eliza Bryant, et al., (I.T.D. 544-1904), William Recotr (I.T.D. 1468-1904), Minnie Duncan, et al., (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Edward Williams (I.T.D. 4230-1904), and Moses Ross (I.T.D. 6056-1904).

From the testimony in this case it appears that Mattie Adair appeared before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, June 17, 1901, and made application for the enrollment of her minor children, Frankie and Harry Grimmett as Cherokee freedmen. Further proceedings in the matter were had on June 28, 1901, and at Muskogee, I. T., On November 18, 1904.

A copy of the testimony taken on June 28, 1901, at Nowata, I.T., in re. application of William Grimmett for enrollment as a Cherokee freedman, is made a part of this record. In the testimony it is alleged that Frankie and Harry Grimmett are the children of William Grimmett, a Cherokee freedman, and Mattie Adair, a non-citizen of the Cherokee Nation, and that they are entitled to enrollment as Cherokee freedmen as descendants of their father. From the evidence it appears that the said William Grimmett is identified on the Cherokee authenticated tribal roll of 1880, page 112, No. 1307, Coowee-scoowee District, and the records of the Commission to the Five Civilized Tribes show that he was duly listed for enrollment

as a Cherokee freedman on Freedman Card No. 1126 and is now included in a partial roll of Cherokee freedmen approved by the Department, April 30, 1904, opposite No. 3267.

The evidence fails to satisfactorily show that William Grimmett and Hattie Grimmett, now Adair, were legally married, but it is shown that during the early '90's the cohabited and that during such cohabitation the applicant Harry Grimmett was born, and that on and for several prior to September 1, 1902, he continuously resided in the Cherokee Nation, and is identified, together with his father William Grimmett, on the Kerns-Clifton Roll, page 105, No. 2631, Cooweescoowee District.

The only testimony to prove that the applicant Frankie Grimmett is the child of said William Grimmett is the uncorroborated testimony of her mother, Hattie Adair, which is denied by the said William Grimmett, and by his father, Ellis Grimmett, who testified as a witness in this case in behalf of the applicants.

The Commissioner says that Frankie Grimmett cannot be identified on any roll of the Cherokee Nation in the possession of his office.

The evidence in this case shows that the applicant, Harry Grimmett was born since 1880, and is the immediate descendant of a duly enrolled freedman citizen of the Cherokee Nation,

whose name is identified upon the Cherokee authenticated roll of 1880, but the evidence does not satisfactorily show that the applicant, Frankie Grimmett, possesses any rights to enrollment as a Cherokee freedman. I therefore respectfully recommend that the application for the enrollment of Harry Grimmett as a Cherokee freedman be approved, and that the application for the enrollment of Frankie Grimmett as a Cherokee freedman be denied.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

C.T.C.
LC.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-934.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1906.

Hattie Adair,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting your application for the enrollment of your child, Frankie Grimmett, and granting your application for the enrollment of your child, Harry Grimmett, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 11, 1906.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation for said Harry Grimmett until his name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tams Bixby

LS

Commissioner.

COPY.

Cherokee Freedmen

D-934.

Muskogee, Indian Territory, January 18, 1906.

A. S. McRea,

Attorney for Frankie Grimmett, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 11, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tams Bixby.

Incl. S-68

Commissioner.

Cherokee Freedmen

D-934.

COPY.

Muskogee, Indian Territory, January 18, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 11, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

Tams Bixby.

Incl. S-69

Commissioner.

P. 10934

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 9 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson I.T. 8/1/1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Frankie Quinnett et al. for enrollment as Freedmen of the Cherokee Nation.

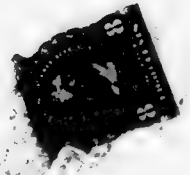
C. J. McRea
Atty for applicants.

No. F.D. 934


JUL
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RECD

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

258



OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Hattie Adair,

Muskogee ~~Tahlequah~~, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED

749

12082

Hattie Adair,

Tahlequah, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

12082

REGISTERED
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TAHLEQUAH, I. T.

749

Hattie Adair,

Tahlequah, Indian Territory.



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Return to Writer.

Return to Writer.

Mattie Adair,

[redacted] Indian Territory.

Issued by [illegible]

Trail

F D 1/34

General Office Cherokee Freedmen

Advise [illegible] to appear before Commission and introduce testimony relative to residence and that of minor children.

Return to Writer.

Mattie Ajair,

[illegible] Territory.

R. M.

Returned

Department of the Interior

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Return to Writer.

8—13—'01

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

10341

Hattie Adair,

Tahlequah, Indian Terri'ry.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER.
UNCLAIMED

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Hattie Adair,
~~Vinita, Indian Territory.~~

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
SEP 11
5 - PM
1902

PENALTY FOR PRIVATE USE

atie Blair,

Tahlequah, I. T.

Cher Fr 1498

Cher Fr 1498

B. J.D. 277

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 14 1901

ACTING CHAIRMAN.

CHEROKEE FREEDMAN

MEMORANDUM OF APPLICATION.

Dawtful

CHEROKEE FREEDMEN.

CHEROKEE FREEDMEN

Date May 14th 1901

Post Office Bernice, I.T.

District Canadian

1. Name Wm Vandrum Age 45

Owner's name Wm Vandrum Citizenship Cherokee

Year K.C Page 109 No. 2730 District Tahlequah

Parents:

Father George Vandrum Citizenship Colored

Mother Rosine " Citizenship "

2. Name of wife Nancy Vandrum Age 38-39

Owner's name Citizenship

Year K.C Page 109 No. 2738 District Tahlequah

Parents:

Father Jordan Thompson Citizenship Freed

Mother Delilah " Citizenship "

Names of Children:

3. Jesse Vandrum	Year K.C	Page 109	No. 2734	Dist. Tahlequah	18
4. Ida "	Year K.C	Page 109	No. 2735	Dist. "	16
5. Minnie "	Year K.C	Page 109	No. 2736	Dist. "	12
6. Minnie "	Year K.C	Page 109	No. 2737	Dist. "	8
7. Lena "	Year	Page	No.	Dist.	6
8. George "	Year K.C	Page 109	No. 2733	Dist. Tahlequah	23
9.	Year	Page	No.	Dist.	
10.	Year	Page	No.	Dist.	
11.	Year	Page	No.	Dist.	
12.	Year	Page	No.	Dist.	

Doubtful

Application made by Wm

Stenographer W. N. Green.

Was on K.C roll as Jessie Vandrum

Has Birth certificate required

Was in Sch at Ft. Leavenworth, Kans.

Doubtful

CHEROKEE FREEDMAN DEPT. 1498

20

IN RE

Application for Enrollment of

INFANT CHILD

Pearl Leadrum

as a citizen of

Cherokee Nation.

Approved July 1 1902

T. B. Needles

Commissoner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
TRIBES

F I L E D

Jul 1 1902

Tams Bixby

Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Pearl Landrum (Here insert name of child), born on the 9th day of March, 1895.

Name of Father: Lone Landrum a citizen of the Cherokee Nation.

Name of Mother: Cherry Landrum a citizen of the Cherokee Nation.

Post-office Bennett, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Cherry Landrum, on oath state that I am 38 years of age and a ~~citizen, by~~ Freedman, of the Cherokee Nation; that I am the lawful wife of Lone Landrum, who is a ~~citizen, by~~ Freedman, of the Cherokee Nation; that a Female (Male or female) child was born to me on 9th day of March, 1895; that said child has been named Pearl Landrum, and is now living.

her
Cherry Landrum X
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

Charlie J. Keeo

A. A. Smith

(Seal)

Subscribed and sworn to before me this 27th day of June 1902

my Commission expires Sept 9-1902

J. B. Morrow NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Lone Landrum, Lawful husband of Cherry Landrum, on oath state that I attended on Mrs. Cherry Landrum, my wife on the 9th day of March, 1895; that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Pearl Landrum, and that the said Cherry Landrum ~~is now sicking and~~ is confined to her bed 16 miles N.E. of Checotah, I. T. my nearest Notary Public.

no physician or midwife being available

Lone Landrum

WITNESSES TO MARK:

(Must be Two Witnesses)

J. B. Morrow, Checotah, I.T.

J. B. Banowsky, " "

(Seal)

Subscribed and sworn to before me this 18th day of May 1901.

J. B. Morrow NOTARY PUBLIC.

My commission expires September 9, 1902.

Subscribed and sworn to before me this 13th day of August, 1907.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 15 1907

I, [illegible], do solemnly swear that I am a citizen by blood of the Muscogee (Creek) Nation; that I was enrolled by the Commission to the Five Civilized Tribes, pursuant to the Act of Congress approved June 28, 1906, as a citizen by blood of the Muscogee (Creek) Nation; that I am the identical person described as such in said enrollment; that the statements made by me in the application for my enrollment, subscribed by me on the 25th day of March, 1907, are true; that I have not, directly or indirectly, paid or agreed to pay any money or other thing of value for the procurement of my enrollment, or for the enrollment of any other person, and that I have not, directly or indirectly, paid or agreed to pay any money or other thing of value for the procurement of the original transcript of the enrollment of any person to the Commission to the Five Civilized Tribes.

P. O. Roseon, being sworn, says that he is the witness who subscribed his name to the foregoing application and affidavit of [illegible], and that the statements made therein are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 25th day of March, 1907.

Commissioner.

F.C. 12,13

To be filed with case of Dora Escoe, C. F. D.-#351.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 14, 1901.

In the matter of the application of Lone Landrum for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Lone Landrum.
Q How old are you? A I think I am about 45.
Q What is your post office address? A My post office is Bennett.
Q What district do you live in? A Canadian.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name upon the authenticated roll of 1880? A No, sir. Not unless it is on there under the name of Mose Landrum.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Is your name upon the census roll of 1896? A Not that I know of
Q Upon the Kern-Clifton roll? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and children.
Q How many children? A I want to enroll for five.
Q What is your wife's name? A Cherry Landrum.
Q Is she a Cherokee Freedman? A Yes, sir.
Q How old is Cherry? A About 38 or 9 years.
Q Please give me the names of your children? A Jesse.
Q How old is Jesse? A 18.
Q Next one? A Reed, 16.
Q Next one? A Minnie, about 12.
Q Next one? A Mamie, is 8.
Q Next one? A Pearl, about 6.
Q Is Cherry the mother of these children? A Yes, sir.
Q These children are all living at this time? A Yes.
Q You have always lived in the Cherokee Nation since 1880?
A Yes, sir, I have lived a little while at Muskogee, and then down in Canadian.
Q What is your father's name? A George Landrum.
Q Is he living? A No, sir.
Q Your mother's name? A Cassie.
Q Is she living? A No, sir.
Q If your name wason the roll of 1880 what district would it be in?
A Saline District.
Q What was your wife's father's name? A Jordan Thompson, that's what they tell me.

Q Is he living? A No, sir.
Q What was her mother's name? A Delilah.
Q She is dead too? A Yes, sir.
Q Your father and mother died before 1880? A My father didn't; he is on the 1880 roll.

1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's names not found thereon.

Q What is the reason your name is not on the roll of 1880?
A I can't tell you, sir.

Kerns-Clifton ~~May~~ roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 109, #2830, Lone Landrum, Tahlequah District.
Page 109, #2838, Cherry Landrum, Tahlequah District.
Page 109, #2734, Jessie Landrum, Tahlequah District.
Page 109, #2735, Reed Landrum, Tahlequah District.
Page 109, #2736, Minnie Landrum, Tahlequah District.
Page 109, #2737, Mamie Landrum, Tahlequah District.

Q Are these children all living at this time? A Yes, sir.
Q Were you a slave? A Yes, sir, I guess I was.
Q What was your owner's name? A John Landrum.
Q Where were you born? A over here on Spavinaw.
Q John a Cherokee by blood? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A yes, sir.
Q Where to? A Kansas.
Q When did you return? A In '64.
Q Have you been living here ever since '64? A Well in the Nation, yes, sir, around Fort Gibson.
Q You don't know why your name is not on the roll of 1880?
A No, sir.
Q Your father's name is there? A Yes, sir.
Q And your brothers? A Yes, sir.
Q Did they return at the time you did? A No, sir.
Q They returned before you or after? A I left them in Kansas when I come.
Q Did you ever live with your father after that? A Yes, sir, time Jack come up here from Ft. Gibson. I come from Kansas with my mother and brother-in-law.
Q You were kind of running around? A Yes, sir.
BY W. W. HASTINGS: What was your brother-in-law's name you came back with? A Jobe Barnett.
Q Who else did you come back with? A My mother.
Q What was her name? A Cassie Landrum.
Q Come in a wagon? A Yes, sir.
Q Just you three? A Oh the whole family come, my sister Katie; she is on the 1880 roll.
Q What point did you come to? A Fort Gibson, right straight to this side of the Grand river, Ft. Gibson, right in there by Tom French's.
Q How long did you stay on the Tom French place, or near there?
A I don't know how long, but we stayed there until the high water run us out.
Q How old were you at that time? A I don't know.
Q How old are you now? A They tell me I am about 45.
Q Where did you go from the French place? A Over in town, over in Gibson.
Q Fort Gibson? A Yes, sir.
Q How long did you live there at that time? A I liked to growed up there; I growed up to be a young man right in Ft. Gibson.
Q You stayed there five or six years? A Longer than that.
Q You stayed there a number of years? A Yes, sir.
Q Then where did you go? A Over to Muskogee.
Q Did you ever live in the Creek Nation outside of Muskogee?
A No; only I went to Checotah and staid about two years.
Q Did you ever live in the Creek Nation outside of those two towns?
A No, sir.
Q You lived down near Schoonover's a while? A Yes, sir, that was in the Cherokee Nation though.
Q You sold him your farm? A Yes, sir.
Q You knew Stan Gray? A Yes, sir.
Q You knew Ike Bertholf? A yes, sir.
Q You live in the Cherokee Nation? A No, six.Creek Nation now?
A No, sir.
Q You did five years ago when we made that roll?
A I don't live there now
Q D d you then? A Yes, I lived in Checotah then, that is I worked there at Gentry's, I wasn't living there, I was working there.
Q Where were you married? A In Gibson.
EXAMINED BY COMMISSIONER MEEDLES:
Q I understood you to say you didn't come back with your family when you came from Kansas? A I come back with my mother and my brother-in-law.

Q Did you come back with your brothers and sisters?
A One of my sisters.
Q Who? A Katie.
Q Is Katie on the roll of 1880 ? A Yes, sir.
Q You come with her? A Yes, sir.
Q You came in '54? A '64.
Q Two years before '66? A Yes, sir We come as quich as we could get back here; he was a scout, here and moved us here.
Q Did you ever try to get your name on the 1880 roll?
A I started to go and old man Schoonover told me they wasn't enrollment any Freedmen, and I didn't go. That's the reason why I didn't get on there, if you want to know the truth.

EXAMINED BY CHEROKEE REPRESENTATIVE? W. W. HASTINGS:

Q Were you living in Candian District at that time?
A I lived up there close to Stan Grays.
Q At the time the 1880 roll was made? A No, I don't know where I was living when the 1880 roll was made, I may have been here in Vinita at that time; I think I was here then in Vinita.

LUSTER FOREMAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Luster Foreman.
Q How old are you? A I am about 58.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Recognized? A Yes, sir.
Q Well now do you know Lone Landrum? A Yes, sir.
Q You know his wife, Cherry? A Yes, sir.
Q You know whether Lone was a slave or not? A No, sir, I don't know.
Q Where did you first know him? A I met hi m over there, the family of them, in '66, across the river by Shaw's old place in the high water; I never knew them before.
Q You saw them there in '66? A I brought them out of the high water, the water was about to drown them all there; that's the first time I got acquainted with the family, and after that I fell in love with the family and married one of the sisters; they appreciated the kindness I done and I got to be affectionate to them.
Q I guess if you hadn't got them out of the water you never would have got the girl? A No, sir, I had a hard time.
Q You made a brother-in-law of Lone Landrum's? A Yes, sir, he was raised up in Fort Gibson.
Q You know he was in the Cherokee Nation in 1866? A Yes, sir. he was there.
Q You was there yourself? A yes, sir, I never did le ave the Territory in my life.

EXAMINED BY CHEROKEE RPRESENTATIVE, W. W. Hastings:

Q When did he leave down there, down about Ft. Gibson?
A I don't know; he had four or five children before he left.
Q You marriedin '66? A I married in '67.
Q That was the next year? A Yes, sir. I was married in old times, you know; we had to go and spark our girls a year or two at a time before we could get her.
Q What time the next year did you marry? A Along in September I believe.
Q Where has he been for the last 10 or 15 years? A I don't know; he has been sometime in Canadian District and sometimes in Muskogee.
Q Has he ever been any time in Kansas? A No, sir, not as I know of.
Q Texas? A I don't know anything about him being in Texas.
Q Was his father there with him at the time you rescued him from the war? A No, sir, there wasn't nobody there byt the old lady and Katie and the children; the man wasn't there; that how come I went to the rescue.

Q That was an exceptional ti me, that high water? A Yes, sir, I remember it.
Q That was the first time you ever saw them? A Yes, sir.
Q That was the first time you ever saw them? A Yes, sir.
Q That'sxtha time a good many people date things by? A That's the time I date it, because I liked to have got drowned going in swimming there.
Q Did you tell me what time of the year it was? A No, sir.
Q Was it the spring or fall? A It was in the spring I believe.
Q You are positive that it was in '66? A Yes, sir, it was the next year we had the cholera there at Ft. Gibson, I lost my sister and I will always remember that time.
Q You had already married then? A No, sir, I married next year; in June sometime she died and in the fall I married and took her baby.

EXAMINED BY COMMISSIONER NEEDLES:

Q You know his wife, Cherry? A Yes, sir, I am acquainted with her too.
Q Was she a slave? A I don't know.

L. D. DANIELS, being sworn and examinedby Commissioner Needles, testified as follows:

Com'r: This man's name is L. D. Daniels.

Q What is your age? A 56.
Q What is your post office? A Claremore.
Q You know Lone Landrum? A Yes, sir.
Q How long have you known him? A I got acquainted with him in '66.
Q Was he in the Cherokee Nation in '66? A Oh yes, he was there at Fort Gibson.
Q He had been a slave? A I don't know.
Q But he was here at that time? A Yes, sir, with his mother.
Q Do you know his wife, Cherry? A Yes, sir.
Q What was her father's name A Jordon Thompson.
Q Was Cherry a slave? A I think so; she was a young women then, going to school there.
Q She wasn't married to Lone then? A No, sir.
Q When did you see Cherry? A She went to school in Gibson in '68, I was there.
Q You know where Cherry was in '66? A Yes, she was with her father on the bayou close to Bob Smith's.
Q You dont know who Cherry belonged to? A No; her father was said to belong to Thompson, I don't know that myself positively.
Q You are satisfied, then that Cherry was in the Cherokee Nation also in '66? A Oh yes, right there to Gibson.
Q Have you known Lone and Cherry ever since they were married?
A Yes, sir.
Q Both alive and living together as man and wife? A Yes, sir.
Q Been living in the Nation continuously? A In 1889 I met him at Gibson and asked him where he was living; he said in Canadian District; I didn't go there to see.

LONE LANDRUM, the applicant, re-called, and further examined by Commissioner Needles:

Q You have lived some time in the Creek Nation have you? A Yes,sir I have lived in Muskogee sometime.
Q But you have never lived outside of the Indian Territory?
A No, sir, nowhere.

L. D. DANIELS, witness, recalled, examined by W. W. Hastings Cherokee Representative, stated:

Q You know who Jordon Thompson returned to the Cherokee Nation with?
A No, sir, I don't; I know he was there though.

Q Was Jordon Thompson a slave of James Allen Thompson, who was father of Johnson Thompson? A That's what was said.
Q You know any other Cherokee Thompsons there? A This fellow died there.
Q You didn't know any other Cherokee Thompsons? A No, I didn't know any other Cherokee Thompson there at that time.
Q Where did Bob Smith live? A Bob lived just this side of where Jordan did; Jordon lived little below him, south.
Q Where did either one of them live? A About three miles southeast of Fort Gibson.
Q Any Cherokees live down there? A Frank Smith ought to live down there, that's his daddy's old place; was.
Q What year was that big flood in, at Ft. Gibson? A We had a raise in '65 and '66 too.
Q Which one was the big one? A Well in '66. I believe that was the largest one that we had; run everybody out of the bottom that was in there that could get out.
Q Was that in the spring or summer? A That was in I think about June or July.

LONE LANDRUM, applicant, recalled, and further examined; By Commissioner Needles:

Q Have you got anybody else, any other testimony? A No, sir, I would like to enroll a boy of mine that's in the penitentiary.

EXAMINED BY CHEROKEE REPRESENTATIVE, W. W. HASTINGS:

Hastings: Comes now the representatives of the Cherokee Nation and desire to introduce the record as shown on page 69 of minutes of Special Court of Commission, Supreme Court, 1871, of the Cherokee Nation, upon which page, under the proceedings of the Court, of June 8th, 1871, is found the following:

"Cherokee Nation vs Jordon Thompson. Claiming Limitation. Upon the testimony, the Court decide claimant is not entitled to rights of Cherokee citizenship under the treaty of July, 1866."

EXAMINED BY COMMISSIONER NEEDLES:

Q Were you married to Cherry? A Yes, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Anybody here? A Yes, sir, call Luster Foreman, I married right in his house.

LUSTER FOREMAN, being sworn and examined by Commissioner Needles, testified: recalled:

Q You have been sworn? A Yes, sir.
Q You know both lone Landrum and his wife Cherry? A Yes, sir.
Q Were they married? A Yes, sir.
Q How do you know that? A I was at the wedding.
Q Where were they married? A At my house if I mistake not; I know they were.
Q You recollect who married them? A No, sir.
Q They were married at your house? A Yes, sir.
Q Have they been living together since that time as man and wife? A Yes, sir.
Q Is Cherry the mother of Jesse, Reed, Minnie, Mamie and Pearl? A She has got some children; I don't knowl I know the oldest ones but I don't know the youngest ones since I have been away.
Q You know they were married andhave lived rogether as man and wife ? A Yes, sir.

APPLICANT, LONE LANDRUM, re-called, and further examined: By Commissioner Needles:

Q You apply for the enrollment of your son? A Yes, sir.
Q What is his name? A George.
Q How old is he? A Going on 23.
Q What is his post office when he is at home? A It will be at Bennett when he is at home.
Q What is the reason George Isn't here himself? A He is over at Leavenworth in the Penitentiary/
Q He can't appear? A No, sir.
Q He is your son by Cherry? A Yes, sir.
Q Alive and living at this time? A So far as I know, yes, sir.
Q Is he married? A No, sir.
Q No children? A No, sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examine and George Landrum identified as follows: Page 109, #2731, George Landrum, Tahlequah District.

By Cherokee Representative, W. W. Hastings:
The representatives of the Cherokee Nation present desire to call attention to the fact that the testimony discloses that the applicant did not return with his father or step-father of any of his brothers mentioned in the judgment.

By Commissioner Needles: Examining applicant:

Q You didn't come back with George and Caroline and Samuel and Daniel? A No, sir, I left my father in Kansas.

COM'R NEEDLES: Lone Landrum applies for the enrollment of himself, his wife, Cherry, five minor children, Jesse, Reed, Minnie, Mamie and Pearl, and his oldest son, George, 23 years of age; he avers that his son George is incarcerated in prison and it is impossib e for him to appear himself; upon examination of the rolls of 1880 the name of Lone Landrum and his wife Cherry cannot be found, but they and their children enumerated herein are duly identified upon the Kerns-Clifton roll/ they make satisfactory proof of residence; the name of Lone Landrum cannot be found upon the roll of 188(, but his father, George Landrum, his step-mother, Caroline, his brothers, Samuel, Daniel and Sherman and William L., are found upon the authenticated roll of 1880; he makes satisfactory proof as to his marriage; by reason of the fact that his name does not appear upon the authenticated roll of 1880 and the further fact that the enrollment is contested by the Cherokee Nation, Lone Landrum, his wife, Cherry and children enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of this Commission; when the Commission arrives at a conclusion in this case, he will be notified by mail.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this May 15, 1901.
(Signed) C. R. Breckinridge,
Commissioner.

---oooOOOooo---

L. L. —7.

I. O. Ransom, being sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete ~~co~~ copy of the original transcript in the above case.

J. O. Ransom

Subscribed and sworn to before me this 15th of August, 1901.

D. C. Lynn

Commissioner.

F. D. 277

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of ..... A. D. 190 ...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ..... , 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

D

FD 277

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Lone Landrum for enrollment as Cherokee citizens:

Case No. D 277

To Lone Landrum Bennett, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

.....

.....

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Lone Landrum for enrollment as a Cherokee Freedman.

No. F. D. 277

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Lone Landrum whose postoffice is Bennett Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 8th day of October, 1901, he received the return card which is hereto attached, signed by the said Lone Landrum, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 8th day of October A. D. 1901.

J. C. Starr
Notary Public.

7/0277

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. Oct 15 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lou Langham et al for enrollment as Cherokee Freedmen.

No. 10277

McCastle Brock
Attys for applicants

RECEIVED
NOV 11 1903
COMMISSION TO THE FIVE CIVILIZED TRIBES

File with Cherokee Freedman D-277, Lone Landrum.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Lone Landrum et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
J. S. Davenport, of counsel for Cherokee Nation.

FRANK SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Frank Smith.

Q Where do you live? A I live in Canadian District, Cherokee Nation.

Q What is your postoffice? A Braggs I think it is.

Q How old are you? A 56.

Q Where did you live at the breaking out of the war? A I lived three miles south of Fort Gibson.

Q Did you leave the Cherokee Nation during the war? A Yes, sir.

Q When did you return? A In '65 I came back.

Q To what point did you come? A Fort Gibson.

Q How long did you live in or near Fort Gibson? A Well the family didn't move back till '66, I just came up there on a visit.

Q Well, did you live with the family any length of time at or near Fort Gibson? A Lived there till about 15 years ago from the time we moved in '66.

Q Are you acquainted with Lone Landrum? A Yes, sir.

Q When did you first learn to know him? A It was about '68 when I first remember seeing Lone Landrum.

Q Do you remember any incident of your first meeting him, or what the occasion was? A No, sir, I don't.

Q Then was that rise down in the bottom that came up over the bottom and they had to move everybody out of there? A '68.

Q Had you met Lone Landrum at that time? A Not that I remember.

Q How long after that was it until you seen him? A Along that fall I think.

Q Did you know him before the war? A No, sir.

Mr. Mellette: There was nothing then to particularly attract you to Lone Landrum as you didn't know him before the war, Mr. Smith?

A No, sir.

Q He might have been in the country and you not seen him, might he not? A I would have seed him if he had been there about Gibson.

Q Well, were you watching for everybody that was down there? A No, not in particular, but I was acquainted with nearly every fellow there.

Q Well I say there wasn't any reason why you should particularly pay any attention to Lone Landrum, was there? A No, sir.

Q Did you know every colored man that lived in that country?

A No, sir, I don't know as I did.

Q How far from Fort Gibson did you live? A Three miles.

Q Well where did you see him after the rise in the water down there, you are talking about? A At Fort Gibson.

Q You don't remember what the circumstances were under which you saw him? A No, sir, I don't.

McCOY SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A McCoy Smith.

Q Where do you live? A In Canadian District.
Q What is your postoffice? A Braggs, Illinois District.
Q How old are you? A 54 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q To what point did you return? A Well the first place, I came to Webbers Falls, that was in the summer of '66, but when I moved back here it was in the fall.
Q Well, what point was your home, that you lived? A Fort Gibson.
Q That was in the fall of '66? A Yes, sir.
Q Do you know Lone Landrum? A Yes, sir, I know him.
Q How long have you known Lone Landrum? A Oh I have known him thirty years.
Q Well, did you see him to know him around Fort Gibson or the bottoms around Fort Gibson? A I saw him there at Fort Gibson.
Q About what year was that you saw him there? A The first time I recollect seeing Lone there was about '70.
Q Had you known him before the war? A No, sir.
Mr. Mellette: Well you were not around there all the time, around Fort Gibson? A A good deal of the time.
Q You don't pretend to have seen every colored man that was there?
A Oh no.
Q Lone Landrum might have been there and you might not have seen him? A He might have been there and I might not have seen him, as I might have seen him and not known him.
Q Is this witness just on the stand your brother? A Yes, sir.
Q If he saw him in '68, he might have been there before you saw him two years? A Yes, sir.

WILLIAM HUDSON, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A William Hudson.
Q Where do you live? A Fort Gibson.
Q How old are you? A 56.
Q How long have you lived at Fort Gibson? A Why I have been living there ever since the first day of March, 1866.
Q Do you know Lone Landrum? A Yes, sir.
Q How long have you known him? A Well sir I can't tell you exactly what date I did get acquainted with him, but I have been knowing him quite a while.
Q Well about how long had you been to Fort Gibson before you got acquainted with him, or saw him there? A I think it was about '67 or 8, somewhere along there.
Q Do you know where he was living when you got avquainted with him?
A I think he was living on the north bank of Grand River when I got acquainted with him.
Q How far from Fort Gibson? A Right across the river.
Q Do you remember anything about any big rise in that country along about that time? A Yes, sir.
Q When was the big rise that came all over the bottom down there and everybody had to be moved out? A That was in '68 I think.
Q Was it before or after the year they had the cholera? A Well we had the cholera in '67 and '68 on from '67.
Q The big rise then was the next year after the cholera? A Yes, sir.
Mr. Mellette: Now Bill, are you certain that rise came in '68?
A Yes, sir, I am, because we had rises all along, Mr. Mellette, from '66 and '67, you know the boats came up.
Q Well there was a big rise in '68 wasn't there? A There wasn't no big rise, there was a rise in the river.
Q In '68 and '7 too? A In '67, but not the biggest rise, that drove the people out of the bottoms.
Q That was in '68? A Yes, sir.

Q You said you got acquainted with Lone Lendrum in '67 or '8; which was it? A If I was to be hung I couldn't tell you which it was, it was along about that time.

Q Are you going to give dates as to when you got acquainted with him? A I didn't keep no dates, that was directly after the war and we had to look out for ourselves.

Q It might not have been '67 or '8? A It was along about that time.

Q Might have been '66? A No, sir, because we didn't have the rise then.

Q Didn't you get acquainted with him till the rise? A No, sir.

Q How did you happen to get acquainted with him when the rise came?

A Because everybody was flocking to get to high ground to be safe.

Q And he was one of those flocking? A Yes, sir, trying to shelter himself.

Q You don't know where he had been before that? A No, sir.

Q He had been over there across the river before that time? A I can't say whether he had or not.

Q He could have been then? A I don't know where he was before that time and I can't tell you no more than the time I got acquainted with him.

Q You don't know whether he was't around there somewhere? A No, sir, I can't say that.

Commissioner: This will be made part of the record in the case at bar and also part of the record in Freedman D-351 and D-413.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of November, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., AUGUST 25, 1902.

In the matter of the application of Thomas Barnett for the enrollment of his half-brothers, Boston Barnett and Joe Barnett, as Creek freedmen.

Thomas Barnett, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A. Thomas Barnett.
Q What is your age? A. About twenty-seven.
Q What is your postoffice address? A. Holdenville.
Q Are you a citizen of the Creek nation ? A. Yes sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A. Yes sir.

The records of the Commission examined and it appears therefrom that Thomas Barnett is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 67.

Q For whom do you now make application for enrollment? A. My brothers .
Q What are their names and ages? A. Boston Barnett, about thirty-four and Joe Barnett, thirty-four.
Q Are they twins? A. Yes sir; two twins.
Q How do you represent Boston and Joe Barnett?? A. By Power of Attorney.

The applicant here presents Power of Attorney, made by Boston and Joe Barnett, authorizing him to appear before the Commission to the Five Civilized Tribes for allotments of land in the Creek Nation, which Powers of Attorney are marked Exhibits "A" and "B", and made a part of the record.

Q Do you make application for their enrollment as Creek freedmen? A. Yes, sir.
Q What are their postoffice addresses? A. Boston Barnett is at Fort Leavenworth, Kansas, and Joe Barnett is at Holdenville, Indian Territory.
Q Are they both now living? A. Yes sir.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A. Yes sir, they are citizens.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A. Yes sir.
Q Do their names appear upon the Creek tribal rolls? A. Yes sir
Q To what town in the Creek Nation do they belong?A. Canadian.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Boston Barnett is found and identified thereon, at Page No. 72, Canadian colored town.

(12) In re application of Thomas Barnett for the enrollment of his twin half-brothers, Boston and Joe Barnett, as Creek freedmen.

The 1895 Pay Roll of the Creek Nation examined, and the name of Boston Barnett is found and identified thereon at No. 757, Canadian colored town.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Joe Barnett not found thereon, Canadian colored town.

The 1891 Omitted Roll of the Creek Nation examined and the name of Joe Barnett is found and identified thereon at No. 457, Canadian colored town.

The 1895 Pay Roll of the Creek Nation examined and the name of Joe Barnett is found thereon at No. 883, Canadian colored town.

Q Do you know Manuel Mondy? A. Yes sir.
Q Is he any kin to Joe Barnett? A. He is a step-father.
Q Did Joe Barnett ever live with him? A. Yes, sir, he stopped with him two or three months at a time, and may be longer
Q Do you know whether or not Joe Barnett drew the $14.40 payment in 1895? A. Why, Mondy drawed one, and Uncle Pare drawed the other, I think.
Q Is Joe Barnett blind? A. Yes sir.
Q How long has he been blind? A. He has been blind about two years now.
Q Do you know whether any application has ever been made to the Commission for the enrollment of Boston and Joe Barnett before this time? A. Well, I have been coming down here, off and on.
Q When did you come here the first time? A. I disremember what month it was.
Q Well, what year? A. That was this year.
Q In the spring of this year? A. Yes sir.
Q That is the first time you have been here to make application? A. Yes, sir.
Q Where is Boston Barnett now? A In prison at Leavenworth.
Q How long has he been in prison at Leavenworth? A. It was a year, last april.

The records of the Commission examined and it appears therefrom that Boston Barnett made application for the enrollment of himself and his wife, Rena Barnett, and son Clarence, as citizens of the Creek Nation, on March 14, 1900, and that his wife and son are duly listed for enrollment, as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1439, but that said Boston Barnett was not enrolled at that time. For testimony in the matter of the application of Boston Barnett and his wife, Rena, and son, Clarence, see Freedmen Card, Field No. 1439.

The records of the Commission further examined and it appears therefrom, that no application has heretofore been made for the enrollment of Joe Barnett, as a citizen of the Creek Nation.

Q Is Joe Barnett married? A. No sir.
Q Was he ever married? A. Yes sir.
Q Was his wife a Creek citizen? A. A state
Q Did he have any children? A. No, sir; no children.
Q He is not living with his wife? A. No sir, they parted about five years ago.
Q What is the name of the father of Boston and Joe Barnett? A. Joe Barnett
Q Is he living? A. He is dead.
Q Was he a citizen of the Creek Nation? A. Yes sir.

(3)

In re application of Thomas Barnett for the enrollment of his twin half-brothers, Boston and Joe Barnett, as Creek freedmen.

Q Do you know whether or not his name appears upon the Dunn Roll?
A. Old man Paro said his name was on the Dunn Roll; I don't know.
Q Is Joe Barnett your father also? A. Yes, sir, Joe Barnett is my father.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined and the name of Joe Barnett, the alleged father of Boston and Joe Barnett, is found thereon at No. 405.

Q What is the name of the mother of Boston and Joe Barnett?
A. Katie.
Q Katie Barnett? A. Katie Manny.
Q Is she living? A. Yes sir.
Q Is she a citizen of the Creek Nation? A. No, sir.
Q Is she a citizen of any nation in the Indian Territory?
A. In Cherokee.
Q Has she been listed for enrollment as a citizen of the Cherokee Nation? A. I don't know.
Q Is she also your mother? A. No sir.
Q Do you know whether or not the names of Boston and Joe Barnett appear upon the Cherokee rolls? A. No sir.
Q Do you know whether or not they ever drew any money from the Cherokee Nation? A. I don't know , sir.
Q How long has Boston Barnett been living in the Creek Nation?
A. All his life.
Q Did he ever live in the Cherokee Nation? A. No, sir, never did.
Q How long has Joe Barnett lived in the Creek Nation? A. All of his life.
Q Did he ever live in the Cherokee Nation? A. No, sir; Creek Nation.
Q Is Boston Barnett married? A. He was married before he was arrested.
Q Are there any additional statements you desire to make at this time with reference to the application you make for the enrollment of your half-brothers, Boston and Joe Barnett, as Creek freedmen? A. No sir.
Q If it should be found that Boston and Joe Barnett have heretofore been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which nation do you now elect to have them enrolled and receive allotments of lands and distribution of moneys? A. I want to have them enrolled in the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your half-brothers, Boston and Joe Barnett, as citizens of the Creek Nation, mailed to you at your proper post office address , as given by you in your testimony herein.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes

(4) In re application of Thomas Barnett for the enrollment of his twin half-brothers, Reuben and Joe Barnett, as Creek freedmen.

he reported all the proceedings had in the above entitled cause on the 28th day of August , 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said day.

(Signed) OLIVER C. HINKLE.

Subscribed and sworn to before me this 29th day of August, 1902, at Muskogee, Indian Territory.

(Signed) W. S. BOREN
Notary Public.

(S E A L)

-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full, true and complete copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 13th day of May, 1905

Notary Public.

C. F. D-277.

Muskogee, Indian Territory, March 16, 1903.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for the enrollment of Lone Landrum, et al. , Cherokee F. D. 277.

Timmons Ed Jackson
Attorneys for Applicants.

Cherokee Freedman D-277.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LONE LANDRUM ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicats, James M. Givens.
For the Cherokee Nation, W. W. Hastings.

NAN MACKEY, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Nan Mackey.
Q How old are you? A I don't know just exactly how old I am, I guess I am near 50 somewhere.
Q What is your post office? A Okmulgee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Cherokee freedman? A Yes sir.

BY MR. GIVENS:
Q Do you know Lone Landrum? A Yes sir.
Q Is he related to you? A Yes sir, he is my brother.
Q Your full brother? A Yes sir.
Q Who was your father? A George Landrum.
Q Who was your mother? A My mother was named Cassie Landrum, I don't think she is on the roll, died before that time.
Q Were you living at the time of the war of the rebellion? A Yes sir I was alive at that time, and alive yet.
Q How old were you at that time? A I don't know just exactly how old I was, for I don't know my age.
Q About how many years old do you think you were when the war began? A I must have been about 6 or 7 years old.
Q Is Lone Landrum older or younger than you? A He is younger than I am.
Q About how many years? A Two years.
Q Was he living at the time the war broke out? A Yes sir, he was living and his living yet.
Q Did Lone Landrum leave the Indian Territory during the war? A Yes sir.
Q Did you leave the Indian Territory during the war? A Yes sir.
Q Did you and Lone Landrum leave together? A Yes sir.
Q Where did you go? A We went in Kansas.
Q Who took you to Kansas? A I went with my mother and father.
Q Do you know how long the war had been going on when you left?
A No sir.
Q How long did you stay in Kansas? A I guess we must have stayed there about five years.
Q Do you know how long the war lasted? A No sir, I don't.
Q When did you come back to the Indian Territory from Kansas?
A Well we come back before the soldiers left Fort Gibson, before the Indian scouts left there.
Q Do you remember the time when peace was declared? A Yes sir, I remember that.
Q How long after peace was declared was it until you came back to the Indian Territory? A I don't know just how long after.

Q Well was it soon after peace was declared or late? A It was soon after peace was declared that we came back.
Q Who came back with you? A I came with my sister, Katie.
Q Anybody else come? A Yes sir, there was lots of people come when I come, there was a whole lot of Creeks come then.
Q Did Lone Landrum come back as you came? A Yes sir.
Q Did Will Landrum, your brother, come? A Yes sir.
Q Where did you stop when you came from Kansas? A Right on the other side of Grand River on the other side of the old Carr place.
Q In the Cherokee Nation? A Yes sir.
Q How long did you ~~live~~ there? A I don't know how long I lived there, I lived there from the time I come from Kansas until after Muskogee was built and we commenced passing back and forth to Fort Gibson, I lived in Fort Gibson then.
Q When Lone Landrum came back did you live together? A Yes sir.
Q Do you know whether or not Lone Landrum has resided in the Indian Territory since you came back there, the time you mentioned? A Been here ever since, right in the Creek Nation and the Cherokee Nation.
Q You state that you were recognized as a Cherokee freedman and were on the rolls? A Yews sir.

BY MR. HASTINGS:
Q Do you know what year this is? A Aint it 1905.
Q Well I want to know if you know? A Well I don't know cause I can't read, it aint no use to bind me up on something I don't know, I can't read to tell you the right day of the year.
Q Do you know what year you were married? A No sir.
Q You don't know one year from another? A No sir, I don't.
Q You don't know what year you come back do you? A I don't know what year I came back here, I came back here while the Indian scouts were in Fort Gibson.
Q Didn't the soldiers stay there a long time? A I don't know, the colored soldiers and the white soldiers were there a long time, but this was when the scouts were there.
Q Did you come down on the railroads? A Wasn't any railroads then.
Q How did you come? A We come in wagons.
Q Who come with you? A My brother-in-law, my mother and father.
Q What is his name? A Joe Barnett.
Q Did your mother and father come? A My mother come but my father didn't come. Yes, my mother and father.
Q Did they come with you now? A My mother come with me and my sister, my father didn't come back just when we come back, but we went to Kansas with him. When I come back, come back with my sister, brother-in-law, and my mother.
Q Where did your mother live then? A At Fort Gibson.
Q How long after you came back until your father came? A I don't know just how long it was.
Q Were you married when you come back down here? A No sir.
Q You married after he came? A Yes sir.
Q Now on whose place did you settle when you stopped? A We settled just above old man Carr's just camped there.
Q Was old man Carr living there at the time? A Yes sir.
Q Pig Carr living there? A I think he was there, I don't know just whether he was married then or not.
Q What was Pig's brother's name? A He had one named Frank.
Q Was Frank living there then? A I don't know just whether Frank was living there then or not.
Q The old folks were living there? A Yes sir old Mrs. Carr and Mr. Carr.

Q How far did you first settle from them when you first come back there? A Not very far.
Q And Lone Landrum was with you? A Yes sir.
Q He was younger than you? A Yes sir.
Q And you don't know what year that was? A No sir.
Q You are not prepared to say about that? A No sir, except I don't know.
Q How long have you been living out at Okmulgee? A A little over four years.
Q You married out there? A Yes sir.
Q Your husband a Creek? A Yes sir.
Q Where was Lone Landrum married? A In the Cherokee Nation. He was married in Fort Gibson.
Q He was married after he come back? A Yes sir, only just a little boy when he come here, I wasn't grown myself.
Q Did he come back the first trip ou come? A Yes sir, we come together.
Q Whose wagon did you come in? A Joe Barnett.
Q Where is he? A He is dead.
Q Through what towns did you come through, did you come through Vinita? A There wasn't any Vinita then.
Q Did you come through Chetopa, Kansas? A I don't think there was a Chetopa.
Q Did you come through any town? A I don't know, I know we didn't come through Vinita, cause Vinita wasn't built.
Q Did you come through Gibson Station? A I guess we did, I don't remember any Gibson Station. The only town I remember of was Fort Gibson and Tahlequah in the Cherokee Nation at that time, as I know anything of.
Q How long after you come before your father come? A I don't remember just how long, you know my father didn't come right here at Fort Gibson and settled, that was he settled up on Grand River near Vinita now.
Q And you never saw him for a number of years after you came down here? A Yes sir I saw him, but it wasn't so long after I came down here my father and mother separated in Kansas.
Q Did you have any other brother that come with you? A Will.
Q Was Will older or younger than Lone? A Younger.
Q How much younger? A I think two years and two weeks younger than Lone.
Q Where was Will born? A Upon Spavinaw.
Q Before the war? A Yes sir, I think Will was a year old when the war come up he was nursing when we went to Kansas.

BY MR. GIVENS:
Q Was your brother Lone Landrum born in the Cherokee Nation? A Yes sir.
Q Near what place? A I guess it would be near Vinita now, up there near Spavinaw.

ON BEHALF OF THE COMMISSIONER:
Q Did you have any brothers and sisters that stayed with your father up in Kansas? A Yes sir.
Q What were their names? A One was named Dan, Sam, and I have a sister named Hanna.
Q They stayed with your father? A Yes sir
Q Are you sure Lone came down with your mother at the same time you did? A Yes sir, Lone, myself and Will came with our mother.

W I T N E S S E X C U S E D.

H. J. VANN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A H. J. Vann.
Q How old are you? A 52.
Q What is your post office? A Briartown, I. T.
Q Are you a Cherokee by blood? A Yes sir.

BY MR. GIVENS:

Q What official position, if any, have you ever held in the Cherokee Nation? A I have held District Clerk and District Judge.
Q Are you acquainted with Cherry Landrum, the wife of Lone Landrum, an applicant for admission to citizenship in the Cherokee Nation as a freedman? A I can say this, I knew her parents, but haven't seen her at all until about two or three months ago since peace was made.
Q Did you know her during the war of the rebellion? A Yes sir.
Q Was she a slave at that time? A Yes sir.
Q Who owned her? A Jim Allen Thompson.
Q Was he a relative of yours? A Grand-father.
Q Do you know whether or not this woman was born in the Cherokee Nation? A Yes sir.
Q Was she ever taken out of the Cherokee Nation? A Yes sir.
Q When and by whom, do you know? A About 1860 or 1861 taken by my grand-father.
Q Where? A Taken first down in the Chickasaw Nation on Red River, and then from there to the south western part of Texas.
Q How long did she remain there that you know? A Until 3 or 4 years I guess.
Q Do you know whether or not she returned to the Indian Territory, Cherokee Nation? A Yes sir.
Q At what time did she return? A The fall after peace was made, in 1865, the latter part of October or the first of November as well as I can recollect.
Q 1865? A Yes sir.
Q How do you know that she returned at that time? A Because we were up there together, grand-father raised me and we all migrated back to the Cherokee Nation.
Q Did Cherry Landrum come back to the Cherokee Nation the same time you came back? A Yes sir.
Q And in that way you know that she returned? A Yes sir.
Q Where was she brought when she returned to the Cherokee Nation?
A Unloaded part up close to Gibson.
Q Do you know who her father was? A Yes sir, Jordan Thompson, that is Jordan, never was known by Thompson at that time.
Q His name was Jordan and he was a slave owned by your grand-father Thomspson? A Yes sir.
Q Do you know who her mother was? A Yes sir, Lila.
Q Do you know about the age of Cherry Landrumwhen she was brought back to the Cherokee Nation in the fall of 1865? A She must have been between 7 and 10 years old, she was younger than I was, I suppose she was a little girl about three and a half feet high I guess.
Q Have you seen her since she married Lone Landrum? A About two or three months ago the last time since the war, of course we moved apart here to Gibson, of course I couldn't swear to the identity, but Jord and Lila had three children that I recollect very distinctly, Alice, Jennie, and Cherry, Cherry was the youngest of the three.
Q Have you any interest whatever in the result of her enrollment?
A None whatever.

BY MR. HASTINGS:
Q Your grand-father, James Allen Thompson, came back in the fall of 1865? A Yes sir, that is come back the fall after peace was made, peace was made in the spring and they moved back that fall.
Q Where did he move to? A Stopped up here on Grand River, I believe later he went to his old place near Mayesville.
Q How long did he stop on Grand River, do you know? A Seems to me about a year.
Q Did you stop in Canadian or do you go on up there with him? A My mother and step-father stopped below there on Grand River near the McNair place.
Q Who else came back with you and your grand-father? A Uncle Johnson Thompson's folks, and Uncle Martin Thompson's folks.
Q And Martin Thompson came back as you did? A Yes sir.
Q But you stayed and went down in Canadian District, did you? A No sir, none of this corwd stopped in Cnadian.
Q But went right along up on to Grand River? A Yes sir.
Q Did you come up there and winter in the winter of 1865? A Yes sir.
Q You say you went to the old Mcwair place that winter? A Yes sir, that is myself, mother and step-father, the others went on up higher to their old place.
Q Where did this girl Cherry stop, now Cherry Landrum? A They unloaded over here close to Gibson near the mouth of Grand River. My grand-father moved them back and furnished them a yoke of oxen and a wagon and he unloaded them over there, and that is the last I have seen of them, except the boy, saw him once.
Q What was his name? A We called him Allen, he was the oldest one of the children.
Q Did you get up there now in the fall? A Yes sir.

W I T N E S S E X C U S E D.

WILL LANDRUM, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Will Landrum.
Q How old are you? A 45.
Q What is your post office? A Checotah, I. T.
Q Are you a Cherokee freedman? A Yes sir.

BY MR. GIVENS:
Q Are you on the roll as a Cherokee freedman? A Yes sir.
Q Have you selected your allotment? A Yes sir.
Q Are you a brother of Lone Landrum, the applicant in this case?
A Yes sir.
Q Are you a brother of Nan Mackey? A Yes sir.
Q Are you and Nan Mackey and Lone Landrum full brothers and sister?
A Yes sir.
Q Do you know where you were born? A Yes sir, I don't know just exactly the place but I have been told where I was born, up here on Cabin Creek.
Q In the Cherokee Nation, Indian Territory? A Yes sir.
Q Do you remember whether or not you were ever taken off by your parents into Kansas? A I don't know anything about going to Kansas but I know something about when they come back.
Q Have you any recollection of coming back to the Indian Territory, to the Cherokee Nation? A Yes sir.

Q What is it that you can remember about coming back? A All I can recollect we come back, our brother-in-law located us over there by old man Carr's.
Q Who was your brother-in-law? A Joe Barnett, he was the man that brought us back, and we lived over there by old man Carr's, I don't know how long but we stayed there a good while.
Q Do you know who came back with you? A Yes sir, Uncle Jack Smith and his family.
Q Anybody else? A Might have been.
Q I mean who came back with you, your mother and father? A Yes sir, my mother and Lone and Nan and sister Kate.
Q When you say Lone, you mean Lone Landrum? A Yes sir.
Q And you came with your sister, Nan Mackey? A Yes sir, and sister Kate, she was Joe Barnett's wife.
Q Do you know how you came? A In a wagon.
Q Anything makes you recollect you came in a wagon? A Yes sir, I fell out of the wagon and the wheel r olled over my leg, I never will forget that.
Q Have you known Lone Landrum ever since you came back to the Cherokee Nation? A Yes sir, known him all my days.
Q Has he resided continuously in the Cherokee Nation since the return about which you spoke? A Yes sir, pretty much, he stayed here sometime but we always considered Cherokee nation our home.
Q Where do you mean, did live here sometime? A He lived here in Muskogee awhile, backwards and forwards from here to Fort Gibson, that is as far as we ever did live since, way lately I moved off down here in the Canadian District, and moved from Canadian District into Checotah.
Q He has then resided ever since he came back either in the Cherokee Nation or Creek Nation close to the line? A Yes sir.

BY MR. HASTINGS:
Q Did he ever go back to Kansas? A Yes sir.
Q How long after he come before he went back? A He went to Kansas once with a drove of cattle, just as soon as they delivered the cattle they come back , hi and my brother-in-law.
Q How long was that after you came down here? A I couldn't tell you just a little while, then he went along with my brother-in-law.
Q Whatever become of Joe Barnett? A He got killed.
Q What town were you living in in Kansas when you come down here?
A Up about Neosho Falls.
Q Had your father and mother separated? A Yes sir.
Q Were not living together? A Yes sir.
Q Your mother come with you? A Yes sir.
Q And Lone come with you in the wagon? A Yes sir.
Q How much older is Lone than you? A Two years and two weeks, two years anyhow.
Q Was your mother a Cherokee freedman? A Yes sir, couldn't talk English.
Q When did she die? A She has been dead about 16 years ago.
Q Is she on the 1880 roll? A No sir, I don't think she was.
Q Did she ever marry afterwards? A Yes sir, she married.
Q Who did she marry? A Married a Creek man by the name of Caesar Bruner.
Q Did you come through any towns from Neosho Falls down here? A I couldn't tell you nothing about that.
Q Do you remember Vinita? A No sir, Vinita wasn't there then, I know that.
Q Did you come on the railroad any part of the way? A No sir, wasn' no railroad.
Q What time of the year did you get down here? A Seems to me like it was in the fall of the year.

Q You don't know of course what year it was? A No sir.
Q But you know he come with you? A Yes sir, we have always been together only excepting when him and Joe taken that little trip up to Kansas with those cattle, was the longest we were ever a part.
Q Where washe married? A In Fort Gibson.
Q Has he lived out of the Cherokee or Creek Nation since? A Not as I know of.
Q Where does he live now? A Down here at Checotah.
Q Was he ever married but this one time? A That is the only time.
Q This wife is the mother of all of his children? A Yes sir

BY MR. GIVENS:
Q Has Lone Landrum a farm? A Yes sir.
Q Where is the farm? A It is on the old Monroe place about 12 miles east of Checotah.
Q In the Cherokee Nation? A Yes sir.
Q How long has he had that farm? A 7 or 8 years.
Q Since he has been grown, big enough to work, in what business has he been engaged? A He has been farming, first one thing and then another.
Q Where did he farm, in what nation? A In the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:
Q Your father stayed up in Kansas when your mother came down and brought you children, did he? A Yes sir, we left him in Kansas.
Q You had some brothers or sisters that stayed up there with him?
A Yes sir.
Q Did you or Lone either ever visit up there with your father?
A No sir.
Q Did you ever see him again, after you and he came down? A Yes sir.
Q Whereabouts? A Up here on Grand River.
Q That was after he came down to the Cherokee Nation? A Yes sir, and I saw him twice down here to Fort Gibson.
Q After you left up there with your mother did you see him in Kansas? A No sir.

W I T N E S S E X C U S E D.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of July, 1905.

Myron Smith.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T. , JULY 21, 1905.

In the matter of the application for the enrollment as Cherokee Freedmen of LONE LANDRUM, his wife, Cherry Landrum, and children, Jesse, Reed, Minnie, Pearl, George and Mamie Landrum.

This case was set for hearing on July 20, 1905, at which time supplemental testimony was taken therein, the case was not concluded, and by agreement between the attorney for the applicant and the attorneys for the Cherokee Nation the testimony of Cherry Landrum is this day taken.

APPEARANCES:
Applicant appears by attorney, James M. Givens.

CHERRY LANDRUM being duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A. Cherry Landrum
Q How old are you? A. About 39, I guess. I don't know exactly.
Q What is your postoffice? A. Chouteau.
Q Are you the wife of Lone Landrum? A. Yes sir.

BY MR. JAMES M. GIVENS:

Q Who was your father? A. My father was Jordan Thompson.
Q Who was your mother? A. Laura Thompson.
Q Have you any brothers and sisters? A. Yes sir
Q What is the name of your oldest brother? A. Albert
Q Give the names of your other brothers and sisters? A. Jennie Simmons, now, she was Jennie Thompson; Will Thompson, Jesse Thompson, Watt Thompson.
Q Which one is the oldest of the children? A. Albert.
Q Who is next in age? A. Jennie.
Q Who is the next? A. Me; I am.
Q Were your parents slaves previous to the war of the rebellion? A. Yes sir.
Q What was the name of the owner of your father and mother? A. Jim Allen Thompson
Q Do you know Judge Herman Vann? A. Yes sir.
Q Is he a grand-son of Jim Allen Thompson? A. Yes sir
Q Are you a full sister of Jennie Simmons? A. Yes sir.
Q Is she enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you remember whether your parents ever moved from Fort Gibson to Texas? A. Yes sir.
Q Do you know whether or not they came back? A. Yes sir.
Q Did you come back with them and did your sister Jennie , now Jennie Simmons come at the same time? A. Yes sir, we all come at the same time.
Q What place did you come to? A. Fort Gibson

Q Cherokee Nation? A. Yes sir.
Q Since your return with your parents to Fort Gibson, in the Cherokee Nation , have you ever lived outside of the Indian Territory? A. No sir.

ON BEHALF OF COMMISSIONER:

Q You were too young to remember anything about the date when your father and mother returned to the Cherokee Nation, and brought you? A. I can't remember anything about the date.
Q Did Judge Vann live in the family of his grandfather, Jim Allen Thompson? A. Yes sir.
Q You don't remember him durin g the war do you?
A. Do you mean Mr. Vann?
Q Yes? A. Why yes, I remember him.
Q During the war? A. Yes, I guess it was during the war; I remember him a long while ago.

Lucy M. Bowman being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes , she reported the proceedings had in the above entitled cause on this the 21st day of July, 1905, and that the above and foregoing is a full true and correct transcript of her stenographic notes therein.

Lucy M Bowman

Subscribed and sworn to before me this 21st day of July, 1905.

Fred P Branson
Notary Public

Muskogee Indian Territory, 7/28 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Lone Landrum et al

C.R. 277 (Supl of 7/20 & 21 (05)

J. M. Gunn
Attorney for Applicant.

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lone Landrum, et al., as Cherokee Freedmen, consolidating the applications of:

Lone Landrum, et al.	Cherokee Freedman D 277
Dora Escoe, et al.,	Cherokee Freedman D 351
Maggie Colbert, et al.,	Cherokee Freedman D 413.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Lone Landrum for himself and wife, Cherry Landrum, and their adult son, George Landrum, and their minor children, Jesse, Reed, Minnie, Pearl and Mamie Landrum; by Dora Escoe for herself and minor children, Johnnie and Luther Escoe; and by Maggie Colbert for herself; thereafter, on July 3, 1902, there was filed with the Commission an affidavit showing the birth on March 7, 1902, of Dan Colbert, child of the applicant, Maggie Colbert. A copy of the testimony taken on August 25, 1902, at Muskogee, Indian Territory, in re application of Boston and Joe Barnett for enrollment as Creek Freedmen, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Lone and Cherry Landrum claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the same right as descendants of the said Lone and Cherry Landrum.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants, Lone and Cherry Landrum, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and later returned thereto and established their residence therein.

(2) That all the other applicants herein were born since the close of the rebellion, are lineal descendants (are children, except Johnnie and Luther Escoe and Dan Colbert, who are children of the said applicants, Dora Escoe and Maggie Colbert), of the said Lone and Cherry Landrum, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

(3) That if any Cherokee Freedman citizenship rights have been acquired by the applicants herein, such rights, except as to Johnnie and Luther Escoe, have not since been forfeited.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee Freedmen as of September 1, 1902, but two questions are presented for determination in this case, namely:

Did Lone and Cherry Landrum return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of Cherokee freedmen to said Nation, and,

Have Johnnie and Luther Escoe forfeited their rights to Cherokee Freedman citizenship?

THE EVIDENCE FURTHER SHOWS: That the applicant, Lone Landrum, returned to the Cherokee Nation after the rebellion, in company with, among others, his brother-in-law, Joe Barnett, deceased (Creek Freedman), his mother, Cassie Landrum, deceased, (died prior to 1880), and full brother and sisters, Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy; and that the applicant, Cherry Landrum, returned to the Cherokee Nation after the rebellion, with, among others, her full brother, Will Thompson, and full sister, Janie Thompson, now Simmons, all of whom were born prior to the commencement of the rebellion.

In connection with the evidence in re return of Lone Landrum and Cherry Landrum, attention is called to the fact that the records of this office show:

(a) That the said Joe Barnett is identified on Creek Roll made by Major J. W. Dunn, prior to March 14, 1867, opposite No. 403.

(b) That the said Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy, are identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Cel.", and are included in a partial roll of Cherokee Freedmen duly approved by the Secretary of the Interior on January 16, 1903, opposite numbers 1242, 1251 and 2749, respectively.

(c) That the said William Thompson is identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Cel.", and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on December 23, 1902, opposite No. 550.

(d) That the said Janie Simmons, nee Thompson, was granted the right to enrollment as a Cherokee Freedman in its decision rendered by the Commission to the Five Civilized Tribes, on March 5, 1904, (said decision was not protested by the Cherokee Nation), and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3624.

THE EVIDENCE FURTHER SHOWS: That application was duly made for the enrollment of the minor applicants herein, Johnnie and Luther Escoe, as Creek citizens; that they are included in a partial roll of Creeks by blood approved by the Secretary of the Interior on January 8, 1904, opposite No. 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicants, Lone and Cherry Landrum, complied with the provisions of Article IX of the Treaty of 1866; that the other applicants herein were born since the close of the rebellion, are lineal descendants of the said Lone and Cherry Landrum, and that none of the applicants herein, except as below noted, have forfeited their rights to Cherokee freedman citizenship; and that the said applicants, Johnnie and Luther Escoe, forfeited their rights to enrollment as Cherokee Freedmen, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), which provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of

Congress approved June 28 , 1898 (30 Stat., 495), Lone Landrum , Cherry Landrum, George Landrum, Jesse Landrum, Reed Landrum, Minnie Landrum, Pearl Landrum, and Mamie Landrum, Dora Escoe, Maggie Colbert and Dan Colbert, are entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly granted; and that, under the provisions of Section Twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), Johnnie Escoe and Luther Escoe are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.

SIGNED: Tams Bixby
COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 0 1905



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Lone Landrum,
Bennett, I.T.
Cherokee F-D-277
Register.

Vinita, Indian Territory, May 22nd, 1901.

J. B. Morrow, Esq.,

Notary Public,

Checotah, Indian Territory.

Sir:—

Enclosed herewith you will find birth certificate in the matter of the application of Pearl Landrum for enrollment as a Freedman of the Cherokee Nation.

In your letter you state that the mother of this child is at present unable to go before a Notary and make affidavit as to the birth of the said Pearl Landrum. In that event it will be necessary that the affidavit be retained until Mrs. Landrum is able to make an affidavit as to the birth of her child.

Very respectfully,

Enc. C. F. #D277. Commissioner.

COPY.

Cherokee Freedmen
D-277 Et al

Muskogee, Indian Territory, December 1, 1904.

J. M. Givens,
Attorney for Lone Landrum et al.,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lone Landrum et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced showing the date of the principal applicant's return to the Cherokee Nation. In this connection you are advised that the Commission particularly desires the testimony of Katie Monday, whose postoffice is Muskogee, and a letter has this day been directed to her to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and give her testimony touching the point above mentioned.

The principal applicant, Lone Landrum, has this day been notified that he will be allowed to appear and introduce

COPY.

any other testimony he may desire touching this matter, at the place and date above given.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-277.

Muskogee, Indian Territory, December 2, 1904.

Lone Landrum,

Bennett, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, your wife and minor children, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced establishing the date of your return to the Cherokee Nation. In this connection you are advised that the Commission has this day directed a letter to Katie Monday, whose postoffice is Muskogee, Indian Territory, directing her to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and give her testimony touching the point above mentioned.

In case you desire to introduce any other testimony touching the date of your return to the Cherokee Nation after the rebellion, you will be allowed to do so at the place and date above mentioned.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Register.

COPY

Cherokee Freedmen
D-277.

Muskogee, Indian Territory, December 3, 1904

Katie Monday,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Lone Landrum et al., as Cherokee freedmen, you are advised that the Commission desires further testimony establishing the date of the principal applicant's return to the Cherokee Nation. He has accordingly this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Thursday, December 22, 1904, at nine o'clock A. M. and introduce testimony covering this point.

The Commission desires your testimony relative to this matter and you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on the date above mentioned and give your testimony in this matter.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Register.

INDEXED

COMMISSION TO FIVE TRIBES.

No.	Received	Date	Page
22248 1905	MAY 3 1905		

Cherokee Land Office,
Breckinridge,
Tahlequah, I.T.,
May 2, 1905.

Returns, for reexamination, consolidated Cherokee freedmen case of Lone Landrum, et al.

F.H.A.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Tahlequah, Indian Territory, May 2, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith consolidated case of

Lone Landrum, et al,	Cherokee	Freedmen	D-277,
Dora Escoe, et al,	"	"	D-351,
Maggie Colbert, et a,	"	"	D-413.

The decision as prepared is not yet concurred in by any member of the Commission. It admits all of the applicants except two children of Dora Escoe named Johnie and Luther. These children are shown to have been duly enrolled as Creeks and therefore are properly denied in the present decision.

As to Lone Landrum, the father of Dora Escoe and Maggie Colbert, I consider the evidence in his case insufficient for his enrollment, inasmuch as he claims to have been in the Cherokee Nation ever since the latter part of the war and yet he is found only upon the Kern-Clifton roll. I think the evidence insufficient unless it be clearly shown that his father, his step-mother and his brothers, as enumerated in the field statement of Commissioner Needles on page 7 of Landrum's evidence of May 14, 1901, are found as there stated to be upon the 1880 roll. That would, under the circumstances, strongly support his testimony. Landrum claims

that they are on that roll, and the record of the search made of the different rolls is cited in the testimony; but such record does not indicate the result of the examination presumably made for these members of his family. It may be that the Commissioner at the moment only gave expression to an impression derived from the claim which was made by Landrum, and did not have it followed up by the search of the record.

I suggest that the 1880 record be looked up for these people and that a statement be inserted in the record of what is found.

The decision now prepared states that Cherry Landrum, the wife of Lone Landrum and the mother through whom the others could derive a claim, is a daughter of Jordan Thompson who is identified upon the 1880 Cherokee roll. I do not find anything in the record to support this statement of his enrollment; and unless that fact can be established I do not think that the evidence shows that she or any descendant claiming through her is entitled to enrollment at this time.

So far as the general status of these claims stands at present, the testimony introduced by these claimants is not only vague and unsatisfactory, but it is also the testimony of recognized professional witnesses whom we know to be of the most unreliable character.

I respectfully return the case and ask that it be

re-examined in the light of these statements and suggestions.

Respectfully,

C. R. Breathitt

Commissioner in Charge
Cherokee Land Office.

MH
Enc. H-64

COPY.

Cherokee Freedmen

D-277.

Muskogee, Indian Territory, June 8, 1905.

Lone Landrum,

Checotah, Indian Territory.

Dear Sir:

The Commission, is in receipt of a letter dated May 29, 1905, from A. H. Livingston, Checotah, Indian Territory, asking that you be advised as to the status of your application for enrollment as a Cherokeee freedman.

You are accordingly advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

Commissioner in Charge.

Cherokee Freedman D 277

Muskogee, Indian Territory, July 7, 1905.

Lone Landrum,

Bennett, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and others, as Cherokee freedmen, you are advised that before a final decision can be rendered in this case it will be necessary that further testimony be introduced tending to show conclusively the date of your return to the Cherokee Nation, after the war of the rebellion, and to show whether or not your wife, Cherry Landrum, possesses any rights to enrollment as a Cherokee freedman.

You are therefore, hereby directed to appear at the office of the Commissioner to the Five Civilized Tribes at nine o'clock A.M., on Thursday , July 20, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, touching the points above mentioned.

Respectfully,

Commissioner

Cherokee Freedman D 277

Muskogee, Indian Territory, July 7, 1905

James N. Givens,

Attorney for Lone Landrum et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lone Landrum, et al., as Cherokee freedmen, you are advised that before a final decision can be rendered in this case it will be necessary that further testimony be introduced, tending to show conclusively, the date of the return of Lone Landrum to the Cherokee Nation, after the rebellion, and to show whether or not his wife, Cherry Landrum possesses any rights to enrollment as a Cherokee freedman.

The said Lone Landrum has therefore, this day been directed to appear at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock, A.M., on Thursday, July 20, 1905, and introduce testimony as above indicated. You are further advised

that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the points mentioned.

Respectfully,

Commissioner

Cherokee Freedmen

D-277. COPY.

Muskogee, Indian Territory, July 27, 1905.

James M. Givens,

Attorney for Lone Landrum, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, copy of supplemental testimony of July 20 and 21, 1905, taken in the matter of the application for the enrollment, as Cherokee freedmen, of Lone Landrum, et al., together with a receipt for same which you will please sign and return to this office.

Respectfully,

(SIGNED) Tams Bixby

Commissioner.

Incl. S-16

Cherokee Freedmen

D-277.

COPY.

Muskogee, Indian Territory, July 27, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony of July 20, and 21, 1905, taken in the matter of the application for the enrollment, as Cherokee freedmen, of Lone Landrum, et al.

Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

Incl. S-14

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D-277.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 11,1905.

Lone Landrum,

Bennett, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, the application for your enrollment, your wife, Cherry Landrum, and your children, George, Jesse, Reed, Minnie, Pearl, and Mamie Landrum, as Cherokee freedmen. Your attorney, J. M. Givens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. GL-240.
GHL

COPY

Muskogee, Indian Territory, September 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lone Landrum et al., as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 6, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Jamie Landrum; Dora Escoe; and Maggie and Dan Colbert; and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen.

Respectfully,

(SIGNED) W. O. Beall
Acting Commissioner.

Incl. GL-245.
GHE.

Through the
Commissioner of Indian Affairs.

Cherokee
F D-277 et al.

COPY.

Muskogee, Indian Territory, September 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Mamie Landrum, Dora Escoe, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-244.
GHL

Cherokee
F D-277 et al.

COPY.

Muskogee, Indian Territory, September 11, 1905.

J. W. Givens,

Attorney for Lone Landrum et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Mamie Landrum, Dora Escoe, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall

Acting Commissioner.

Incl. GL-243.
GHL

Cherokee
F D-413.

COPY.

Muskogee, Indian Territory, September 11, 1905.

Maggie Colbert,

Checotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, the application for the enrollment of yourself and your son, Dan Colbert, as Cherokee freedmen. Your attorney, J. M. Givens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall

Acting Commissioner.

Incl. GL-242.
GHL

Land:
73593-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 9, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Lone Landrum for himself and wife, Cherry, their adult son, George, and their minor children, Jesse, Reed, Minnie, Pearl, and Hamle Landrum; by Dora Escoe for herself and her minor children, Johnnie, and Luther Escoe; and by Maggie Colbert for herself and her minor child, Dan Colbert. September 8, 1905, the Commissioner decided adversely to Johnnie and Luther Escoe and favorably to all the other applicants. The record shows that Lone and Cherry Landrum were the slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken from the Cherokee nation during the war, and returned thereto on or before February 11, 1867; that all the other applicants are lineal descendants of Lone and Cherry Landrum and possess no rights to enrollment as Cherokee Freedmen other than as such descendants; that any rights as Cherokee Freedmen acquired by the applicants, such rights, except as to Johnnie and Luther Escoe, have not

been forfeited; that the names of Johnnie and Luther Encoe are included in a partial roll of Creeks by blood approved by the Department on January 8, 1904, at Numbers 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation and have forfeited any right to Cherokee Freedman citizenship under the provisions of Section 28 of the Act of July 1, 1902 (32 Stat., 716), which provides:

> No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee nation.

In view of the record the approval of the Commissioner's decision adverse to Johnnie and Luther Encoe and favorable to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.W

C

D. C. 2664-1906.
I.T.D. 324-1906.
LRS

Y. P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 11, 1905, the Acting Commissioner transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Lone Landrum for himself and wife, Cherry Landrum, their adult son George, and their minor children, Jesse, Reed, Minnie, Pearl, and Vanie Landrum; of Dora Escoe for herself and her minor children, Johnnie and Luther Escoe, and of Maggie Colbert for herself and her minor child, Dan Colbert.

Reporting January 6, 1906, the Indian Office recommended that your decision, adverse to Johnnie and Luther Escoe, and favorable to all the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated September 6, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen

D-277, et al.

COPY.

Muskogee, Indian Territory, January 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone Landrum, et al., and denying the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.

Acting Commissioner.

Incl. S-92

Cherokee
F 1498.

Muskogee, Indian Territory, April 26, 1906.

George Landrum,
c/o W. T. Wisdom,
No. 210 Missouri Building,
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of April 21, 1906, asking that all communications addressed to you by this office in reference to your Cherokee citizenship case be sent in care of W. T. Wisdom, No. 210 Missouri Building, Muskogee, Indian Territory.

Your letter has been noted and filed.

Respectfully,

Commissioner.

GHL

Cherokee Freedmen COPY.

D-277.

Muskogee, Indian Territory, January 24, 1906.

Lone Landrum,

Bennett, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, your application for the enrollment of yourself, your wife Cherry Landrum, and your children, Jesse, Reed, Minnie, Pearl, George and Mamie Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

You are further advised that you will not be permitted to make allotment selections in the Cherokee Nation until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED:

Tams Bixby.

Acting Commissioner.

13

Cherokee Freedmen

D-277.

COPY.

Muskogee, Indian Territory, January 24, 1906.

Zevely & Givens,

Attorneys for Lone Landrum, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, the application of Lone Landrum for the enrollment of himself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tams Bixby.

Acting Commissioner.

Incl. S-91



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

PENALTY FOR PRIVATE USE $300

Claimed

RETU...

REGISTRY RECEIPT.

FT. GIBSON, I. T.
SEP 21 1901

Post Office at

Registered Letter / Parcel No. Rec'd , 190

of

addressed to

P. M.

Cher Fr 1499

Trans. from Cher Fr D351

Cher Fr 1499

L. A.D.331

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 18th, 1901.

In the matter of the application of Dora Escoe for the enrollment of herself and two children as Cherokee Freedmen; said Escoe being sworn and examinedby Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Dora Escoe.
Q How old are you? A Why, to guess at my age I guess I am about 22 now.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian.
Q Who is it you want to have put on the roll? A Myself and two children.
Q You don't apply for a husband? A No, sir.
Q How long have you lived in the Cherokee Nation? A Well, I was living in there before I married; I married a Creek and lived in the Creek Nation now, my place is in the Cherokee Nation.
Q How long since you married? A It has been about three years.
Q You lived in the Cherokee Nation then all your life down to three years ago? A Yes, sir
Q Have you always been a recognized Freedman of the Cherokee Nation?
A Yes, sir.
Q Give me the name of your father? A Lone Landrum.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Cherry Landrum.
Q Is she alive? A Yes, sir.
Q You say you were married three years ago? A Yes, sir.
Q To whom were you married? A Charley Escoe.
Q He is a Creek citizen is he? A Yes, sir.
Q Have you ever applied for enrollment as a Creek? A No, sir.
Q Have you ever applied for enrollment with any other tribe or Nation except the Cherokee? A No tribe but the Cherokee.
Q Have you ever applied to have your children enrolled as Creeks?
A No, sir; I haven't been anywheres to enroll them.
Q Give me the names of your children? A Johnnie.
Q John or Johnnie? A Johnnie.
Q Johnnie Escoe? A Yes, sir.
Q How old is Johnnie? A Johhnie is three years old.
Q Give me the name of the next child? A Luther.
Q How old is Luther? A Luthere is nine months old.
Q Is there someone here knows that you and your husband are living together as husband and wife? A Yes, sir.
Q Who is there here? A Luster Foreman.

LUSTER FOREMAN, sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Luster Foreman.
Q How old are you? A About 58 or 60.
Q What is your post office? A Vinita.
Q Do you know this applicant here? A Yes, sir.
Q What is her name? A Dora is her name, I know them well.
Q Do you know her father? A Yes, sir; Lone Landrum.
Q And her mother? A Yes sir.
Q What is her name? A Cherry Landrum.
Q This woman is married now is she? A Yes, sir.
Q What is her present name? A Escoe.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 109, #2732, Dora Landrum, Tahlequah District.

DORA ESCOE, the Applicant, re-called, testified as follows:

Q You are living now in the Creek Nation? A Yes, sir; with my husband.
Q You have a farm in the Cherokee N ation? A Yes sir.
Q You desire to be enrolled you and your children as Cherokees?
A Yes, sir.

BY J. S. DAVENPORT, Cherokee Representative:

Q Wasn't you living in the Creek Nation before you married your husband? A No, sir, my folks, I was living with my folks.
Q Where were you living? A In Canadian district.
Q You hadn't lived at Checotah for two or three years before you married your husband? A No, sir.
Q You have been living there now two or three years?
A Yes, sir.
Q Do you remember whether you married before 1898? A I don't remember, I didn't keep any time.
Q How many crop seasons have passed since you married? A Well, I haven't kept any time of it at all.
Q You don't know how many crops have been made.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself and two children: She is 22 years of age. She is identifiedupon the Kerns-Clifton roll, bu t not upon the roll of 1880 or upon the roll of 1896. Her father and mother are both living but they are not identified upo n the ro ll of 1880. The applicant states tha t she has lived in the Cherokee Nation all her life until her marriage some three years ago, si nce which time she has lived in the Creek N ati on, and that she has a farm in the Cherokee Nation . Her change of name arising from marriage is established by satisfactory testimony. The applicant wi l l no w be li sted fo r enrollment as a Cherokee Freedman on a doub t-ful car d for the further consideration of her case, and reference is made to the case of her father and mother, entitled Lone Landrum, et al., Cherokee Freedman Card D.#277, in which the status of her parents is set forth in full. When the Commission is supplied with proper certificates of birth of her two children, Johnnie and Luther, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. The applicant's husbandis a Creek and she elects to be enrolled as a Cherokee and states that she has never applied for the enrollment of herself or children as members of the Creek tribe. When the final decision of the Commission is rendered it will be made known to the applicant at her post office address.

SUPPLEMENTAL TESTIFIMONY:

CHARLEY J. ESCOE, sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Charley J. Escoe.
Q How old are you? A I am 44.
Q What is your post office? A Chetcotah.
Q You are a Creek are you? A I am.
Q Did you make application to have your wife and children enrolled as Creeks? A I did not, only the children.
Q Was their enrollment refused? A Yes, sir, on the ground when he taken the census roll of the Cherokees to present these affidavits and they told me where the rights was, that is Mr. Needles:

COM'S BRECKINRIDGE:--In conclusion it appears now that application was made for the enrollment of the children as Creeks but enrollment in that tribe was refused.

---oooOOOooo---

J. O. Rosson, bei ng first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of May, 1901.

Commissioner.

B. J.D. 351

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
... 18 1901

...Chairman

MEMORANDUM OF APPLICATION.

MAY 18 1901

CHEROKEE FREEDMEN.

Date May 18th 1901

Post Office Checotah, I.T.

District Canadian

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 X. Name of wife Dora Escoe Age 22

Owners name ..... Citizenship .....

Year T. C. Page 164 No. 2732 District Tahlequah

Parents:

Father Lone Landrum (living) Citizenship

Mother Cherry Landrum (") Citizenship

Names of Children:

2 X. Johnie Escoe Year ..... Page ..... No. ..... Dist. 3 9mo

3 X. Luther " Year ..... Page ..... No. ..... Dist. .....

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

DOUBTFUL

Application made by (Ng 1) Stenographer John D. Carr

No 1 on T. C. Page as Dora Landrum

Application was made for Nos 2 and 3 as Creeks and were refused.

Nos 2 and 3 Birth affidavits to be supplied.

X REF D 277

Stapleton that

Lucius Foreman testified in case of No 1

351

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 15 1901

To be filed with case of Dora Keece, C. F. D.-#351.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 14, 1901.

In the matter of the application of Lone Landrum for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Lone Landrum.
Q How old are you? A I think I am about 45.
Q What is your post office address? A My post office is Bennett.
Q What district do you live in? A Canadian.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name upon the authenticated roll of 1880? A No, sir. Not unless it is on there under the name of Mose Landrum.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Is your name upon the census roll of 1896? A Not that I know of
Q Upon the Kern-Clifton roll? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and children.
Q How many children? A I want to enroll for five.
Q What is your wife's name? A Cherry Landrum.
Q Is she a Cherokee Freedman? A Yes, sir.
Q How old is Cherry? A About 38 or 9 years.
Q Please give me the names of your children? A Jesse.
Q How old is Jesse? A 18.
Q Next one? A Reed, 16.
Q Next one? A Minnie, about 12.
Q Next one? A Mamie, is 8.
Q Next one? A Pearl, about 6.
Q Is Cherry the mother of these children? A Yes, sir.
Q These children are all living at this time? A Yes.
Q You have always lived in the Cherokee Nation since 1880?
A Yes, sir, I have lived a little while at Muskogee, and then down in Canadian.
Q What is your father's name? A George Landrum.
Q Is he living? A No, sir.
Q Your mother's name? A Cassie.
Q Is she living? A No, sir.
Q If your name was on the roll of 1880 what district would it be in?
A Saline District.
Q What was your wife's father's name? A Nordan Thompson, that's what they tell me.
Q Is he living? A No, sir.
Q What was her mother's name? A Delilah.
Q She is dead too? A yes, sir.
Q your father and mother died before 1880? A My father didn't; he is on the 1880 roll.

1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's nam s not found thereon.

Q What is the reason your name is not on the roll of 1880?
A I can't tell you, sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 109, #2830, Lone Landrum, Tahlequah District.
Page 109, #2833, Cherry Landrum, Tahlequah District.
Page 109, #2734, Jessie Landrum, Tahlequah District.
Page 109, #2735, Reed Landrum, Tahlequah District.
Page 109, #2736, Minnie Landrum, Tahlequah District.
Page 109, #2737, Mamie Landrum, Tahlequah District.

Q Are these children all living at this time? A Yes, sir.
Q Were you a slave? A Yes, sir, I guess I was.
Q What was your owner's name? A John Landrum.
Q Where were you born? A Over here on Spavinaw.
Q John a Cherokee by blood? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Kansas.
Q When did you return? A In '64.
Q Have you been living here ever since '64? A Well in the Nation, yes, sir, around Fort Gibson.
Q You don't know why your name is not on the roll of 1880?
A No, sir.
Q Your father's name is there? A Yes, sir.
Q And your brothers? A Yes, sir.
Q Did they return at the time you did? A No, sir.
Q They returned before you or after? A I left them in Kansas when I came.
Q Did you ever live with your father after that? A Yes, sir, time Jack come up here from Ft. Gibson. I come from Kansas with my mother and brother-in-law.
Q You were kind of running around? A Yes, sir.
BY W. W. HASTINGS: What was your brother-in-law's name you came back with? A Jobe Barnett.
Q Who else did you come back with? A My mother.
Q What was her name? A Cassie Landrum.
Q Come in a wagon? A Yes, sir.
Q Just you three? A Oh the whole family come, my sister Katie; she is on the 1880 roll.
Q What point did you come to? A Fort Gibson, right straight to this side of the Grand river, Ft. Gibson, right in there by Tom French's.
Q How long did you stay on the Tom French place, or near there?
A I don't know how long, but we stayed there until the high water run us out.
Q How old were you at that time? A I don't know.
Q How old are you now? A They tell me I am about 45.
Q Where did you go from the French place? A Over in town, over in Gibson.
Q Fort Gibson? A Yes, sir.
Q How long did you live there at that time? A I liked to growed up there; I growed up to be a young man right in Ft. Gibson.
Q You stayed there five or six years? A Longer than that.
Q You stayed there a number of years? A Yes, sir.
Q Then where did you go? A Over to Muskogee.
Q Did you ever live in the Creek Nation outside of Muskogee?
A No; only I went to Checotah and staid about two years.
Q Did you ever live in the Creek Nation outside of those two towns?
A No, sir.
Q You lived down near Schoonover's a while? A Yes, sir, that was in the Cherokee Nation though.
Q You sold him your farm? A Yes, sir.
Q You knew Stan Gray? A Yes, sir.
Q You knew Ike Berthelf? A Yes, sir.
Q You live in the Cherokee Nation? A No, sir. Creek Nation now?
A No, sir.
Q You did five years ago when we made that roll?
A I don't live there now
Q D d you then? A Yes, I lived in Checotah then, that is I worked there at Gentry's, I wasn't living there, I was working there.
Q Where were you married? A In Gibson.
EXAMINED BY COMMISSIONER MCKELVIE:
Q I understood you to say you didn't come back with your family when you came from Kansas? A I come back with my mother and my brother-in-law.

Q Did you come back with your brothers and sisters?
A One of my sisters.
Q Who? A Katie.
Q Is Katie on the roll of 1880 ? A Yes, sir.
Q You come with her? A Yes, sir.
Q You came in '54? A '64.
Q Two years before '66? A Yes, sir We come as quich as we could get back here; he was a scout, here and moved us here.
Q Did you ever try to get your name on the 1880 roll?
A I started to go and old man Schoomover told me they wasn't enrollment any Freedmen, and I didn't go. That's the reason why I didn't get on there, if you want to know the truth.

EXAMINED BY CHEROKEE REPRESENTATIVE? W. W. HASTINGS:

Q Were you living in Canadian District at that time?
A I lived up there close to Stan Grays.
Q At the time the 1880 roll was made? A No, I don't know where I was living when the 1 80 roll was made, I may have been here in Vinita at that time; I think I was here then in Vinita.

LUSTER FOREMAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Luster Foreman.
Q How old are you? A I am about 58.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Recognized? A Ye , sir.
Q Well now do you know Lone Landrum? A Yes, sir.
Q You know his wife, Cherry? A Yes, sir.
Q You know whether Lone was a slave or not? A No, sir, I don't know.
Q Where did you first know him? A I met hi m over there, the family of them, in '66, across the river by Shaw's old place in the high water; I never knew them before.
Q Yo saw them there in '66? A I brought them out of the high water, the water was about to drown them all there; that's the first time I got acquainted with the family, and after that I fell in love with the family and married one of the sisters; they appreciated the kindness I done and I got to be affectionate to them.
Q I guess if you hadn't got them out of the water you never would have got the girl? A No, sir, I had a hard time.
Q You knfea brother-in-law of Lone Landrum's? A Yes, sir, he was raised up in Fort Gibson.
Q You know he was in the Cherokee Nation in 1866? A Yes, sir. he was there.
Q You was there yourself? A yes, sir, I never did le ave the Territory in my life.

EXAMINED BY CHEROKEE RPRESENTATIVE, W. W. Hastings:

Q When did he leave down there, down about Ft. Gibson?
A I don't know; he had four or five children before he left.
Q You marriedin '66? A I married in '67.
Q That was the nexd year? A Yes, sir. I was married in old times, you know; we had to go and spark our girls a year or two at a time before we could get her.
Q What time the next year did you marry? A Along in September I believe.
Q Where has he been for the last 10 or 15 years? A I don't know; he has been sometime in Canadian District and sometimes in Muskogee.
Q Has he ever been any time in Kansas? A No, sir, not as I know of.
Q Texas? A I don't know anything about him being in Texas.
Q Was his father there with him at the time you rescued him from the war? A No, sir, there wasn't nobody there byt the old lady and Katie and the children; the man wasn't there; that how come I went to the rescue.

Q That was an exceptional ti me, that high water? A Yes, sir, I remember it.
Q That was the first time you ever saw them? A Yes, sir.
Q That was the first time you ever saw them? A Yes, sir.
Q That'sxthe time a good many people date things by? A That's the time I date it, because I liked to have got drowned going in swimming there.
Q Did you tell me what time of the year it was? A No, sir.
Q Was it the spring or fall? A It was in the spring I believe.
Q You are positive that it was in '66? A Yes, sir, it was the next year we had the cholera there at Ft. Gibson, I lost my sister and I will always remember that time.
Q You had already married then? A No, sir, I married next year; in June sometime she died and in the fall I married and took her baby.

EXAMINED BY COMMISSIONER NEEDLES:

Q You know his wife, Cherry? A Yes, sir, I am acquainted with her too.
Q Was she a slave? A I don't know.

L. D. DANIELS, being sworn and examinedby Commissioner Needles, testified as follows:

Com'r: This man's name is L. D. Daniels.
Q What is your age? A 56.
Q What is your post office? A Claremore.
Q You know Lone Landrum? A Yes, sir.
Q How long have you known him? A I got acquainted with him in '66.
Q Was he in the Cherokee Nation in '66? A Oh yes, he was there at Fort Gibson.
Q He had been a slave? A I don't know.
Q But he was here at that time? A Yes, sir, with his mother.
Q Do you know his wife, Cherry? A Yes, sir.
Q What was her father's name A Jordon Thompson.
Q Was Cherry a slave? A I think so; she was a young women then, going to school there.
Q She wasn't married to Lone then? A No, sir.
Q When did you see Cherry? A She went to school in Gibson in '68, I was there.
Q You know where Cherry was in '66? A Yes, she was with her father on the bayou close to Bob Smith's.
Q You dont know who Cherry belonged to? A No; her father was said to belong to Thompson, I don't know that myself positively.
Q You are satisfied, than that Cherry was in the Cherokee Nation also in '66? A Oh yes, right there to Gibson.
Q Have you known Lone and Cherry ever since they were married?
A Yes, sir.
Q Both alive and livin together as man and wife? A Yes, sir.
Q Been living in the Nation continuously? A In 1889 I met him at Gibson and asked him where he was living; he said in Canadian District; I didn't go there to see.

LONE LANDRUM, the applicant, re-called, and further examined by Commissioner Needles:

Q You have lived some time in the Creek Nation have you? A Yes,sir I have lived in Muskogee sometime.
Q But you have never lived outside of the Indian Territory?
A No, sir, nowhere.

L. D. DANIELS, witness, recalled, examined by W. W. Hasting Cherokee Representative, stated:

Q You know who Jordon Thompson returned to the Cherokee Nation with?
A No, sir, I don't; I know he was there though.

Q Was Jordon Thompson a slave of James Allen Thompson, who was father of Johnson Thompson? A That's what was said.
Q You know any other Cherokee Thompsons there? A This fellow died there.
Q You didn't know any other Cherokee Thompsons? A No, I didn't know any other Cherokee Thompson there at that time.
Q Where did Bob Smith live? A Bob lived just this side of where Jordan did; Jordon lived little below him, south.
Q Where did either one of them live? A About three miles southeast of Fort Gibson.
Q Any Cherokees live down there? A Frank Smith ought to live down there, that's his daddy's old place; was.
Q What year was that big flood in, at Ft. Gibson? A We had a raise in '65 and '66 too.
Q Which one was the big one? A Well in '66. I believe that was the largest one that we had; run everybody out of the bottom that was in there that could get out.
Q Was that in the spring or summer? A That was in I think about June or July.

LONE LANDRUM, applicant, recalled, and further examined;
By Commissioner needles:

Q Have you got anybody else, any other testimony? A No, sir, I would like to enroll a boy of mine that's in the penitentiary.

EXAMINED BY CHEROKEE REPRESENTATIVE, W. W. HASTINGS:

Hastings: Comes now the representatives of the Cherokee Nation and desire to introduce the record as shown on page 69 of minutes of Special Court of Commission, Supreme Court, 1871, of the Cherokee Nation, upon which page, under the proceedings of the Court, of June 8th, 1871, is found the following:

"Cherokee Nation vs Jordon Thompson. Claiming Limitation. Upon the testimony, the Court decide claimant is not entitled to rights of Cherokee citizenship under the treaty of July, 1866."

EXAMINED BY COMMISSIONER NEEDLES:

Q Were you married to Cherry? A Yes, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Anybody here? A Yes, sir, call Luster Foreman, I married right in his house.

LUSTER FOREMAN, being sworn and exmined by Commissioner Needles, testified: recalled:

Q You have been sworn? A Yes, sir.
Q You know both lone Landrum and his wife Cherry? A Yes, sir.
Q Were they married? A Yes, sir.
Q How do you know that? A I was at the wedding.
Q Where were they married? A At my house if I mistake not; I know they were.
Q You recollect who married them? A No, sir.
Q They were married at your house? A Yes, sir.
Q Have they been living together since that time as man and wife?
A Yes, sir.
Q Is Cherry the mother of Jesse, Reed, Minnie, Mamie and Pearl?
A She has got some children; I don't know! I know the oldest ones but I don't know the youngest ones since I have been away.
Q You know they were married andhave lived together as man and wife
? A Yes, sir.

APPLICANT, LONE LANDRUM, re-called, and further examined:
By Commissioner Needles:

Q You apply for the enrollment of your son? A Yes, sir.
Q What is his name? A George.
Q How old is he? A Going on 23.
Q What is his post office when he is at home? A It will be at Bennett when he is at home.
Q What is the reason George Isns't here himself? A He is over at Leavenworth in the Penitentiary/
Q He can't appear? A No, sir.
Q He is your son by Cherry? A Yes, sir.
Q Alive and living at this time? A So far as I know, yes, sir.
Q Is he married? A No, sir.
Q No children? A No, sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examine and George Landrum identified as follows: Page 109, #2731, George Landrum, Tahlequah District.

By Cherokee Representative, W. W. Hastings:
The representatives of the Cherokee Nation present desire to call attention to the fact that the testimony discloses that the applicant did not return with his father or step-father or any of his brothers mentioned in the judgment.

By Commissioner Needles: Examining applicant:

Q You didn't come back with George and Caroline and Samuel and Daniel? A No, sir, I left my father in Kansas.

COM'R NEEDLES: Lone Landrum applies for the enrollment of himself, his wife, Cherry, five minor children, Jesse, Reed, Minnie, Mamie and Pearl, and his oldest son, George, 23 years of age; he avers that his son George is incarcerated in prison and it is impossib e for him to appear himself; upon examination of the rolls of 1880 the name of Lone Landrum and his wife Cherry cannot be found, but they and their children enumerated herein are duly identified upon the Kerns-Clifton roll/ they make satisfactory proof of residence; the name of Lone Landrum cannot be found upon the roll of 188(, but his father, George Landrum, his stepmother, Caroline, his brothers, Samuel, Daniel and Sherman and William L., are found upon the authenticated roll of 1880; he makes satisfactory proof as to his marriage; by reason of the fact that his name does not appear upon the authenticated roll of 1880 and the further fact that the enrollment is contested by the Cherokee Nation, Lone Landrum, his wife, Cherry and children enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of this Commission; when the Commission arrives at a conclusion in this case, he will be notified by mail.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this May 15, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

---oooOOooo---

L. L. --7.

I, O. Rosson, being sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

J. O. Rosson

Subscribed and sworn to before me this 13th of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Dora Excell for enrollment as a Cherokee Freedman.

No. F. D. 351

Henry Pack, of lawful age, being duly sworn on oath states that on the 11th day of Sept A. D., 1901, he registered to Dora Excell whose postoffice is Checotah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, I T Indian Territory; and that on the 16 day of Oct, 1901, he received the return card which is hereto attached, signed by the said Dora Excell, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 17 day of Oct A. D. 1901.

C Foster
Notary Public.

F.D. 357

Sep 11 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 17 1901

Acting Chairman

NOTICE!

IN THE MATTER OF The application of Dora Escoe for enrollment as a Cherokee Freedman:

Case No. F. D. 351

To Dora Escoe, Chetocah, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 17th A. D. 1901, at 10 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1 1901 day of , 1901.

A R Bell

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Dora Escoe for enrollment as a Cherokee Freedman.

No. F. D. 351

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Dora Escoe whose postoffice is Checotah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Dora Escoe, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this 30th day of Sept A. D. 1901.

J. C. Starr

Notary Public.

FP 357

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of ..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A. D. 190....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Dora Escoe
for enrollment as Cherokee citizens:
Case No. D 351

To Dora Escoe Checotah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

Attorneys for the Cherokee Nation.

[illegible]

[illegible]

[illegible]

File with Cherokee Freedman D-351, Dora Bacon et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Lone Landrum et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
J. S. Davenport, of counsel for Cherokee Nation.

FRANK SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Frank Smith.
Q Where do you live? A I live in Canadian District, Cherokee Nation.
Q What is your postoffice? A Braggs I think it is.
Q How old are you? A 56.
Q Where did you live at the breaking out of the war? A I lived three miles south of Fort Gibson.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you return? A In '65 I came back.
Q To what point did you come? A Fort Gibson.
Q How long did you live in or near Fort Gibson? A Well the family didn't move back till '66, I just came up there on a visit.
Q Well, did you live with the family any length of time at or near Fort Gibson? A Lived there till about 15 years ago from the time we moved in '66.
Q Are you acquainted with Lone Landrum? A Yes, sir.
Q When did you first learn to know him? A It was about '68 when I first remember seeing Lone Landrum.
Q Do you remember any incident of your first meeting him, or what the occasion was? A No, sir, I don't.
Q When was that rise down in the bottom that came up over the bottom and they had to move everybody out of there? A '68.
Q Had you met Lone Landrum at that time? A Not that I remember.
Q How long after that was it until you seen him? A Along that fall I think.
Q Did you know him before the war? A No, sir.
Mr. Mellette: There was nothing then to particularly attract you to Lone Landrum as you didn't know him before the war, Mr. Smith?
A No, sir.
Q He might have been in the country and you not seen him, might he not? A I would have seed him if he had been there about Gibson.
Q Well, were you watching for everybody that was down there? A No, not in particular, but I was acquainted with neerly every fellow there.
Q Well I say there wasn't any reason why you should particularly pay any attention to Lone Landrum, was there? A No, sir.
Q Did you know every colored man that lived in that country?
A No, sir, I don't know as I did.
Q How far from Fort Gibson did you live? A Three miles.
Q Well where did you see him after the rise in the water down there, you are talking about? A At Fort Gibson.
Q You don't remember what the circumstances were under which you saw him? A No, sir, I don't.

McCOY SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A McCoy Smith.

Q Where do you live? A In Canadian District.
Q What is your postoffice? A Braggs, Illinois District.
Q How old are you? A 54 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q To what point did you return? A Well the first place, I came to Webbers Falls, that was in the summer of '66, but when I moved back here it was in the fall.
Q Well, what point was your home, that you lived? A Fort Gibson.
Q That was in the fall of '66? A Yes, sir.
Q Do you know Lone Landrum? A Yes, sir, I know him.
Q How long have you known Lone Landrum? A Oh I have known him thirty years.
Q Well, did you see him to know him around Fort Gibson or the bottoms around Fort Gibson? A I saw him there at Fort Gibson.
Q About what year was that you saw him there? A The first time I recollect seeing Lone there was about '70.
Q Had you known him before the war? A No, sir.
Mr. Mellette: Well you were not around there all the time, arund Fort Gibson? A A good deal of the time.
Q You don't pretend to have seen every colored man that was there? A Oh no.
Q Lone Landrum might have been there and you might not have seen him? A He might have been there and I might not have seen him, as I might have seen him and not known him.
Q Is this witness just on the stand your brother? A Yes, sir.
Q If he saw him in '68, he might have been there before you saw him two years? A Yes, sir.

WILLIAM HUDSON, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A William Hudson.
Q Where do you live? A Fort Gibson.
Q How old are you? A 56.
Q How long have you lived at Fort Gibson? A Why I have been living there ever since the first day of March, 1866.
Q Do you know Lone Landrum? A Yes, sir.
Q How long have you known him? A Well sir I can't tell you exactly what date I did get acquainted with him, but I have been knowing him quite a while.
Q Well about how long had you been to Fort Gibson before you got acquainted with him, or saw him there? A I think it was about '67 or 8, somewhere along there.
Q Do you know where he was living when you got avquainted with him? A I think he was living on the north bank of Grand River when I got acquainted with him.
Q How far from Fort Gibson? A Right across the river.
Q Do you remember anything about any big rise in that country along about that time? A Yes, sir.
Q When was the big rise that came all over the bottom down there and everybody had to be moved out? A That was in '68 I think.
Q Was it before or after the year they had the cholera? A Well we had the cholera in '67 and '68 on from '67.
Q The big rise then was the next year after the cholera? A Yes, sir.
Mr. Mellette: Now Bill, are you certain that rise came in '68? A Yes, Sir, I am, because we had rises all along, Mr. Mellette, from '66 and '67, you know the boats came up.
Q Well there was a big rise in '68 wasn't there? A There wasn't no big rise, there was a rise in the river.
Q In '68 and '7 too? A In '67, but not the biggest rise, that drove the people out of the bottoms.
Q That was in '68? A Yes, sir.

Q You said you got acquainted with Lone Lendrum in '67 or '8; which was it? A If I was to be hung I couldn't tell you which it was, it was along about that time.

Q Are you going to give dates as to when you got acquainted with him? A I didn't keep no dates, that was directly after the war and we had to look out for ourselves.

Q It might not have been '67 or '8? A It was along about that time.

Q Might have been '66? A No, sir, because we didn't have the rise then.

Q Didn't you got acquainted with him till the rise? A No, sir.

Q How did you happen to get acquainted with him when the rise came?

A Because everybody was flocking to get to high ground to be safe.

Q And he was one of those flocking? A Yes, sir, trying to shelter himself.

Q You don't know where he had been before that? A No, sir.

Q He had been over there across the river before that time? A I can't say whether he had or not.

Q He could have been then? A I don't know where he was before that time and I can't tell you no more than the time I got acquainted with him.

Q You don't know whether he wasn't around there somewhere? A No, sir, I can't say that.

Commissioner: This will be made part of the record in the case at bar and also part of the record in Freedman D-351 and D-413.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of November, 1901.

Commissioner.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lone Landrum, et al., as Cherokee Freedmen, consolidating the applications of:

Lone Landrum, et al.	Cherokee Freedman D 277,
Dora Escoe, et al.,	Cherokee Freedman D 351,
Maggie Colbert, et al.,	Cherokee Freedman D 413.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Lone Landrum for himself and wife, Cherry Landrum, and their adult son, George Landrum, and their minor children, Jesse, Reed, Minnie, Pearl and Mamie Landrum; by Dora Escoe for herself and minor children, Johnnie and Luther Escoe; and by Maggie Colbert for herself; thereafter, on July 3, 1902, there was filed with the Commission an affidavit showing the birth, on March 7, 1902, of Dan Colbert, child of the applicant, Maggie Colbert. A copy of the testimony taken on August 25, 1902, at Muskogee, Indian Territory, in re application of Boston and Joe Barnett for enrollment as Creek Freedmen, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Lone and Cherry Landrum claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the same right as descendants of the said Lone and Cherry Landrum.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants, Lone and Cherry Landrum, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and later returned thereto and established their residence therein.

(2) That all the other applicants herein were born since the close of the rebellion, are lineal descendants (are children, except Johnnie and Luther Escoe and Dan Colbert, who are children of the said applicants, Dora Escoe and Maggie Colbert), of the said Lone and Cherry Landrum, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

(3) That if any Cherokee Freedman citizenship rights have been acquired by the applicants herein, such rights, except as to Johnnie and Luther Escoe, have not since been forfeited.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee Freedmen as of September 1, 1902, but two questions are presented for determination in this case, namely:

Did Lone and Cherry Landrum return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of Cherokee freedmen to said Nation, and,

Have Johnnie and Luther Escoe forfeited their rights to Cherokee Freedman citizenship?

THE EVIDENCE FURTHER SHOWS: That the applicant, Lone Landrum, returned tothe Cherokee Nation after the rebellion, in company with, among others, his brother-in-law, Joe Barnett,deceased, (Creek Freedman), his mother, Cassie Landrum, deceased, (died prior to 1880), and full brother and sisters, Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy; and that the applicant, Cherry Landrum, returned to the Cherokee Nation after the rebellion, with, among others, her full brother, Will Thompson, and full sister, Janie Thompson, now Simmons, all of whom were born prior to the commencement of the rebellion.

In connection with the evidence in re return of Lone Landrum and Cherry Landrum, attention is called to the fact that the records of this office show:

(a) That the said Joe Barnett is identified on Creek Roll made by Major J. W. Dunn, prior to March 14, 1867, opposite No. 403.

(b) That the said Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy, are identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Col.", and are included in a partial roll of Cherokee Freedmen duly approved by the Secretary of the Interior on January 18, 1905, opposite numbers 1242, 1251 and 2749, respectively.

(c) That the said William Thompson is identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Col.", and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on December 23, 1902, opposite No. 550.

(d) That the said Janie Simmons, nee Thompson, was granted the right to enrollment as a Cherokee Freedman in its decision rendered by the Commission to the Five Civilized Tribes, on March 5, 1904, (said decision was not protested by the Cherokee Nation), and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3624.

THE EVIDENCE FURTHER SHOWS: That application was duly made for the enrollment of the minor applicants herein, Johnnie and Luther Escoe, as Creek citizens; that they are included in a partial roll of Creeks by blood approved by the Secretary of the Interior on January 6, 1904, opposite No. 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicants, Lone and Cherry Landrum, complied with the provisions of Article IX of the Treaty of 1866; that the other applicants herein were born since the close of the rebellion, are lineal descendants of the said Lone and Cherry Landrum, and that none of the applicants herein, except as below noted, have forfeited their rights to Cherokee freedman citizenship; and that the said applicants, Johnnie and Luther Escoe, forfeited their rights to enrollment as Cherokee Freedmen, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), which provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of

Congress approved June 28, 1898 (30 Stat., 495), Lena Landrum, Cherry Landrum, George Landrum, Jesse Landrum, Reed Landrum, Minnie Landrum, Pearl Landrum, and Mamie Landrum, Dora Keese, Maggie Colbert and Sam Colbert, are entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly granted; and that, under the provisions of Section Twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), Johnnie Keese and Luther Keese are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.

(Signed) TAMS BIXBY
Commissioner

Dated at Muskogee, Indian Territory,
this SEP 8 1905.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Dora Escoe,
Checotah, I. T.
Cherokee F-D-351.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 351

Muskogee, Indian Territory, January 15, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Dora Escoe and her two minor children Johnie and Luther Escoe, as Cherokee Freedmen, Cherokee freedmen Card D 351, it appears from the Commission's records that the two minor children above named have also been listed for enrollment upon Creek Indian Card Field No. 4404. It is requested that the Cherokee Division be advised as to the present status of these applicants for enrollment as Creek citizens, and if they have been placed upon the final roll it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cr. I. 4404.

Muskogee, Indian Territory, January 18, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of January 15, 1904 in the matter of the application for the enrollment of Dora Mscoe and her two minor children, Johnie and Luther Mscoe, as Cherokee Freedmen. It is stated that it appears from the Commission's record that the two minor children above named have been listed for enrollment on Creek Indian Card Field No. 4404.

You request to be advised as to the present status of these applications for enrollment as Creek citizens and if they have been placed upon the final rolls. It is requested that their numbers be given, together with the date of the Department's approval of said roll.

In reply you are advised that Johnie and Luther Mscoe are listed for enrollment on Creek Indian Card Field No. 4404; that it appears that their father was Charlie F. Mscoe, a citizen of the Creek Nation, and that their mother is Dora Mscoe, a Cherokee Freedman. The names of said Johnie and Luther Mscoe are contained in a list of Creeks by blood approved by the Department January 8, 1904,

Nos. 9706 and 9707, respectively.

Reference is made to Cherokee Freedmen D-351.

Respectfully,

(signed) T. P. Needles

Commissioner in Charge.

Cherokee Freedman D 351

Muskogee, Indian Territory, July 7, 1905

Bell, Hastings and Davenport,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that Dora Rscoe, an applicant for enrollment as a Cherokee freedman, has this day been notified to appear at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, July 20, 1905, and introduce testimony showing the date of the return to the Cherokee Nation, after the war of the rebellion, of her father, Lone Landrum, and to show whether or not her mother, Cherry Landrum possesses any rights to enrollment as a Cherokee freedman.

You are further advised that the Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire touching the points above mentioned.

Respectfully,

Commissioner

Cherokee Freedman D 351

Muskogee, Indian Territory, July 7, 1905

Dora Escoe,

Checota, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself et al., as Cherokee freedman, you are advised that before a final decision can be rendered in this case, it will be necessary that further testimony be introduced, tending to show conclusively the date of the return of your father, Lone Landrum, to the Cherokee Nation, after the rebellion, and to show whether or not your mother, Cherry Landrum, possesses any right to enrollment as a Cherokee freedman.

You are therefore, hereby directed to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, July 20, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as they may desire touching the points mentioned.

Respectfully,

Commissioner.

Cherokee Freedman
D-351.
Creek I. 4404.

COPY.

Muskogee, Indian Territory, July 28, 1905.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division whether or not allotment selections have been made in the Creek Nation for Johnnie and Luther Escoe, who are listed for enrollment on Creek Roll card, Field No. 4404, and if so, whether such selections were voluntarily or arbitrarily made.

Respectfully,

(SIGNED) Tams Bixby

Commissioner.

LS

HGH

(C O P Y)

Muskogee, Indian Territory, July 31, 1905

Chief Clerk,

Cherokee Enrollment Division,

General office.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant (Cherokee Freedman D-352. Creek I. 4404), in which you request information relative to the allotments in the Creek Nation of Johnnie and Luther Escoe, whose names appear upon the Creek Indian Roll opposite Nos. 9706 and 9707, respectively.

In reply you are advised that on December 30, 1902, Charles J. Escoe appeared at the Creek Land office and selected in allotment for his minor son, Johnnie Escoe, the South Half of the North West Quarter and Lots 3 and 4 of Section 5, Township 13 North and Range 11 East, containing 159.92 acres, for which certificate of selection No. 18747 was issued: for his son Luther Escoe, the South Half of the North East Quarter and Lots 1 and 2 of Section 5, Township 13 North, Range 11 East, containing 160.32 acres, for which certificate of selection No. 18748 was issued.

Respectfully

(Signed) TAMS BIXBY
Commissioner

Land:
73593-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 9, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Lone Landrum for himself and wife, Cherry, their adult son, George, and their minor children, Jesse, Reed, Minnie, Pearl, and Mamie Landrum; by Dora Escoe for herself and her minor children, Johnnie, and Luther Escoe; and by Maggie Colbert for herself and her minor child, Dan Colbert. September 8, 1905, the Commissioner decided adversely to Johnnie and Luther Escoe and favorably to all the other applicants. The record shows that Lone and Cherry Landrum were the slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken from the Cherokee nation during the war, and returned thereto on or before February 11, 1867; that all the other applicants are lineal descendants of Lone and Cherry Landrum and possess no rights to enrollment as Cherokee Freedmen other than as such descendants; that any rights as Cherokee Freedmen acquired by the applicants, such rights, except as to Johnnie and Luther Escoe, have not

been forfeited; that the names of Johnnie and Luther Escoe are included in a partial roll of Creeks by blood approved by the Department on January 8, 1904, at Numbers 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation and have forfeited any right to Cherokee Freedman citizenship under the provisions of Section 28 of the Act of July 1, 1902 (32 Stat., 716), which provides:

> No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to Johnnie and Luther Escoe and favorable to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

D. C. 2664-1906.
I.T.D. 324-1906.
LRS

Y. P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

January 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 11, 1905, the Acting Commissioner transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Lone Landrum for himself and wife, Cherry Landrum, their adult son George, and their minor children, Jesse, Reed, Minnie, Pearl, and Mamie Landrum; of Dora Escoe for herself and her minor children, Johnnie and Luther Escoe, and of Maggie Colbert for herself and her minor child, Dan Colbert.

Reporting January 6, 1906, the Indian Office recommended that your decision, adverse to Johnnie and Luther Escoe, and favorable to all the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated September 8, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

COPY

Muskogee, Indian Territory, September 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lone Landrum et al., as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Jamie Landrum; Dora Escoe; and Maggie and Dan Colbert; and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-245.
GHL

Through the
Commissioner of Indian Affairs.

Cherokee
F D-277 et al.

COPY

Muskogee, Indian Territory, September 11, 1905.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Winnie, Pearl, and Mamie Landrum, Dora Escoe, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-244.
GHL

Cherokee
F D-277 et al. COPY

Muskogee, Indian Territory, September 11, 1905.

J. W. Givens,

Attorney for Lone Landrum et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Mamie Landrum, Dora Escoe, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall

Acting Commissioner.

Incl. GL-243.
GHL

Cherokee
F D-351.

COPY.

Muskogee, Indian Territory, September 11, 1905.

Dora Escoe,

Checotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, the application for your enrollment, and rejecting the application for the enrollment of your children, Johnnie and Luther Escoe, as Cherokee freedmen. Your attorney, J. M. Givens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall
Acting Commissioner.

Incl. GL-241.
GHL

Cherokee Freedmen

COPY.

D-351.

Muskogee, Indian Territory, January 24, 1906.

Dora Escoe,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, your application for the enrollment of yourself, and denying the application for the enrollment of your children, Johnnie and Luther Escoe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Commissioner.

Incl. S-93

COPY.

Cherokee Freedmen

D-277, et al.

Muskogee, Indian Territory, January 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone Landrum, et al., and denying the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 15, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).
Tams Bixby.

Incl. S-92

Acting Commissioner.

REGISTRY RECEIPT.

FT. GIBSON, I. T.
SEP 21 1901

Post Office at .....

Registered Letter / ~~Parcel~~ No. ... Rec'd ..., 190

of .....

addressed to .....

Hubbard Ross, P. M. ... P. M.

REGISTRY ~~RECEIPT~~.

Post Office at Fort Gibson I. T.

Registered Letter / ~~Parcel~~ No. 84 Rec'd Sept 190 /

of J. C. Starr
Fort Gibson I. T.

addressed to Dora Ezell
Checotah I. T.
Hubbard Ross P. M.

Cher Fr 1500
Trans. from Cher Fr D413

Cher Fr 1500

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Maggie Colbert for enrollment as a Cherokee Freedman; said Colbert being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Maggie Colbert.
Q How old are you? A 23.
Q What is your post office? A My post office is Checotah.
Q In what district do you live? A Canadian.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Oh, I have.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q were you born in the Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Never lived anywhere else? A No, sir.
Q Give me the name of your father? A Lone Landrum.
Q Is he alive? A Yes, sir, he is living.
Q Give me the name of your mother? A Cherry Landrum.
Q Is she alive? A Yes, sir.
Q You are married are you? A Yes, sir.
Q When did you marry? A I married the 22d of last August.
Q To whom did you marry? A Johnnie Colbert.
Q Is he a Cherokee Freedman? A No, sir, he is a Creek Freedman.
Q Has he been enrolled as a Creek? A Yes, sir.
Q Have you ever appliedor had an application made for you as a Creek? A No, sir.
Q You claim only as a Cherokee do you? A Yes, sir.
Q You don't claim in any other tribe or Nation? A No, sir, my father and mother both Cherokees.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of her father and mother not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kerns-Dlifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 109, #2533, Maggie Landrum, Tahlequah District.

(To Roll Clerk: Is her father and mother on that roll?
A Yes, sir.)

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

LUSTER FOREMAN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Luster Foreman.

Q How old are you? A I am about 50 or 60, I don't know exactly my age.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Always.
Q Do you know this applicantxx here? A Yes, sir, I know her.
Q Is she any kin to you or your wife? A She is kin to my wife.
Q what kin? A Niece of my wife's.
Q What names does this woman by by now? A I don't know.
Q What was her name? A Landrum, her maiden name.
Q Is she living near you now? A No, sir, she lives down in the lower part of the District.
Q Does the family understand she is married? A Yes, sir.
Q What is the name of the man she is said to have married?

A I don't know her husband's name; I never asked her what was her husband's name.
Q Have you never heard his name? A I have heard it but I have forgotten it.
Q would you know it if you would hear it? A Yes, sir, I believe I would.
Q Is his name Colbert? A Yes, sir, that is something like it; Colbert I guess I know the boy too.
Q Did you ever hear him called John Colbert? A I think so, She is married thoug, but I don't know her husband.

COM'R BRECKINRIDGE:--The applicant states that she has lived in the Cherokee Nation all her life. She is 23 years of age; she is not identified on the roll of 1880 or that of 1896 or of the Wallace roll. She is identifiedon the Kerns-Clifton roll. Her change of name arising from marriage in regard to which no doubt is entertained from the testimony. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card and fort further information in her case, reference is made to the case of her father and mother, Lone and Charry Landrum, a cpt of the testimony in which case will be filed herewith.
When the final decision of the Commission is arrived at in this case, the result will be made known to the applicant at her post office address.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 28th day of May, 1901.

Commissioner.

VB. FD. 413

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23. 1901

Post Office Checotah I. T.

District Canadian

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Maggie Colbert. Age 23

Owner's name ..... Citizenship .....

Year 1896 Page 109 No. 2733 District Tahl.

Parents:

Father Lowe Landrum-living Citizenship Cher. Freedman

Mother Cherry " — " Citizenship " "

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... ~~Year~~ ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer J. O Rosson

Wm. 1 On K.C. roll as Maggie Landrum

X ... 1 1 — 1 1

[illegible]

[illegible]

[illegible]

To be filed with case of Maggie Colbert, C. F.-D.#413.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 14, 1901.

In the matter of the application of Lone Landrum for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Lone Landrum.
Q How old are you? A I think I am about 45.
Q What is your post office address? A My post office is Bennett
Q What district do you live in? A Canadian.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name upon the authenticated roll of 1880? A No, sir. Not unless it is on there under the name of Mose Landrum.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Is your name upon the census roll of 1896? A Not that I know of
Q Upon the Kerns-Clifton roll? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and children.
Q How many children? A I want to enroll for five.
Q What is your wife's name? A Cherry Landrum.
Q Is she a Cherokee Freedman? A Yes, sir.
Q How old is Cherry? A About 38 or 9 years.
Q Please give me the names of your children? A Jesse.
Q How old is Jesse? A 18.
Q Next one? A Reed, 16.
Q Next one? A Minnie, about 12.
Q Next one? A Mamie, is 8.
Q Next one? A Pearl, about 6.
Q Is Cherry the mother of these children? A Yes, sir.
Q These children are all living at this time? A Yes.
Q You have always lived in the Cherokee Nation since 1880?
A Yes, sir,-I have lived a little while at Muskogee, and then down in Canadian.
Q What is your father's name? A George Landrum.
Q Is he living? A No, sir.
Q Your mother's name? A Cassie.
Q Is she living? A No, sir.
Q If your name was on the roll of 1880 what district would it be in? A Saline District.
Q What was your wife's father's name? A Jordon Thompson, that's what they tell me.
Q Is she living? A No, sir.
Q What was her mother's name? A Delilah.
Q She is dead too? A Yes, sir.
Q Your father and mother died before1880? A My father didn't; he is on the 1880 roll.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicants names not found thereon.

Q What is the reason your name is not on the roll of 1880?
A I can't tell you, sir.

The Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 109, #2730, Lone Landrum, Tahlequah District.
Page 109, #2736, Cherry Landrum, Tahlequah District.
Page 109, #2734, Jessie Landrum, Tahlequah District.
Page 109, #2735, Reed Landrum, Tahlequah District.
Page 109, #2738, Minnie Landrum, Tahlequah District.
Page 109, #2737, Mamie Landrum, Tahlequah District.

Q Are these children all living at this time? A Yes, sir.
Q Were you a slave? A Yes, sir, I guess I was.
Q What was your owner's name? A John Landrum.
Q Where were you born? A Over here on Spavinaw.
Q John a Cherokee by blood? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Kansas.
Q When did you return? A In '64.
Q Have you been living here ever since '64? A Well in the Nation, yes, sir, around Fort Gibson.
Q You don't know why your name is not on the roll of 1880?
A No, sir.
Q Your father's name is there? A Yes, sir.
Q And your brothers? A Yes, sir.
Q Did they return at the time you did? A No, sir.
Q They returned before you or after? A I left them in Kansas when I come.
Q Did you ever live with your fatherafter that? A Yes, sir, time Jack come up here from Ft. Gibson. I come from Kansas with my mother and brother-in-law.
Q You were kind of running around? A Yes, sir.
BY W. W. HASTINGS: What was your brother-in-law's name you came back with? A Jobe Barnett.
Q Who else did you come back with? A My mother.
Q What was her name? A Cassie Landrum.
Q Come in a wagon? A Yes, sir.
Q Just you three? A Oh the whole family come, my sister Katie; she is on the 1880 roll.
Q What point did you come to? A Fort Gibson, right straight to this side of the Grand river, Ft. Gibson, right in there by Tom French's.
Q How long did you stay on the Tom French place, or near there?
A I don't know how long, but we stayed there until the high water run us out.
Q How old were you at that time? A I don't know.
Q How old are you now? A They tell me I am about 45.
Q Where did you gof rom the Frecnh place? A Over in town, over in Gibson.
Q Fort Gibson? A Yes, sir.
Q How long did you live there at that time? A I liked to growed up there; I growed up to be a young man right in Ft. Gibson.
Q You stayed there five or six years? A Longer than that.
Q You stayed there a number of years? A Yes, sir.
Q Then where did you go? A Over to Muskogee.
Q Did you ever live in the Creek Nation outside of Muskogee?
A No; only I went to Checotah and staid about two years.
Q Did you ever live in the Creek Nation outside of those two towns,
A No, sir.
Q You lived down near Schoonover's a while? A Yes, sir, that was in the Cherokee Nation though.
Q You sold him your farm? A yes, sir.
Q You knew Stan Gray? A yes, sir.
Q You knew Ike Bertholf? A Yes, sir.
Q You live in the Creek Nation now? A No, sir.
Q You did five years ago when we made that roll?
A I don't live there now.
Q Did you then? A yes, I lived in Checotah then, that is I worked there at Gentry's, I wasn't living there, I was working there.
Q Where were you married? A In Gibson.

EXAMINED BY COMMISSIONER NEEDLES:

Q I understood you to say you didn't come back with your family when you came from Kansas? A I come back with my mother and my brother-in-law.
Q Did you come back with your brothers and sisters? A One of my sisters.
Q Who? A Katie.

Q Is Katie on the roll of 1880? A Yes, sir.
Q You come with her? A Yes, sir.
Q You came in '54? A '64.
Q Two years before '66? A Yes, sir. We come as quick as we could get back here; he was a scout, here and moved us here.
Q Did you ever try to get your name on the 1880 roll?
A I started to go and old man Schoolcver told me they wasn't enrolling any Freedmen, and I didn't go. That's the reason why I didn't get on there, I f you want to know the truth.

EXAMINED BY CHEROKEE REPRESENTATIVE, W. W. HASTINGS:

Q Where you living in Canadian District at that time?
A I lived up there close to Stan Gray's.
Q At the time the 1880 roll was made? A No, I don't know where I was living when the 1880 roll was made, I may have been here in Vinita at that time; I think I was here then in Vinita.

LUSTER FOREMAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Luster Foreman.
Q How old are you? A I am about 58.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yex, sir.
Q R3 ognized? A Yes, sir.
Q Well now do you know Lone Landrum? A Yes, sir.
Q You know his wife, Cherry? A Yes, sir.
Q You know whether Lone was a slave or not? A No, sir, I don't know.
Q Where did you first know him? A I met him over there, the family of them, in '66, across the river, by Shawes old place in the high water; I never knew them before.
Q You saw them there in '66? A I brought them out of the high water, the water was about to drown them all there; that's the first time I got acquainted with the family, and after that I fell in love with the family and married one of the sisters; they appreciated the kindness I done and I got to be affectionate to them.
Q I guess if you hadn't got them out of the wateryou never would have fot the girl? A No, s r, I had a hard time.
Q You are a brother-in-law of Lone Landrum's? A Yes, sir, he was raised up in Fort Gibson.
Q You know he was in the Cherokee Nation in 1866?
A Yes, sir. He was there.
Q You was there yourself? A Yes, sir. I never did leave the Territory in my life.

EXAMINEDBY CHEROKEE REPRESENTATIVE, W. W. HASTINGS:

Q When did he leave down there, down about Ft. Gibson?
A I don't know; he had four or five children before he left.
Q You married in '66? A I married in '67.
Q That was the next ear then? A Yes, sir, I was married in old times; you know; we had to go and spark our girsl a years or two at a time before we could get her.
Q What time the next year did you marry? A Along in September I believe.
Q Where has he been for the last 10 or 15 years? A I don't know.
A He has been sometime in Canadian District and sometimes in Muskogee.
Q Has he ever been any time in Kansas? A No, sir, not as I know of.
Q Texas? A I don't know anything about him being in Texas.
Q Was his father there with him at the time you rescued him from the water? A No, sir, there wasn't nobody there but the old lady and Katie and the children; the man wasn't there; that's how come I went to the rescue.
Q That was an exceptional time, that high water? A Yes, sir, I remember it.

Q That was the first time you ever saw them? A Yes, sir.
Q That was the first time you ever saw them? A Yes, sir.
Q That's a time a good many people date thingw by? A That's the time I date it, because I like to have got drowned going in swimming there.
Q Did you tenm me what time of the year it was? A No, sir.
Q Was it the spring or fall? A It was in the spring I believe.
Q You are positive that it was in '66? A Yes, sir, it was the next year we had the cholera there at Ft. Gibson, I lost my sister and I will always remember that time.
Q You had already married then? A No, sir, I married next year; in June sometime she died and in the fall I married and took her baby.

EXAMINED BY COMMISSIONER NEEDLES:

Q You know his wife, Cherry? A Yes, sir, I am acquainted with her too.
Q Was she a slave? A I don't know.

L. D. DANIELS, being sworn andx examined by Commissioner Needles, testified as follows:

Com'r: This man's name is L. D. Daniels.
Q What is your age? A 56.
Q What is your post office? A Claremore.
Q you know Lone Landrum? A Yes, sir.
Q How long have you known him? A I got acquainted with him in '66.
Q Was he in the Cherokee Nation in '66? A Oh yes, he was there at Fort Gibson.
Q He had been a slave? A I don't know.
Q But he was here at that time? A Yes, sir, with his mother.
Q Do you know his wife, Cherry? A Yes, sir.
Q What was her father's name? A Jordon Thompson.
Q Was Cherry a slave? A I think so; she was a young woman then, going to sheol there.
Q She wasn't married to Lone then? A No, sir.
Q When did you see Cherry? A She went to school in Gibson in '68, I was there.
Q You know where Cherry was in '66? A Yes, she was with her father on the bayou close to Bob Smith's.
Q You don't know who Cherry belonged to? A No; her father was said to belong to Thompson, I don't know that myself positively.
Q You are sitisfied, then, that Cherry was in the Cherokee Nation also in '66? A Oh yes, right there to Gibson.
Q Have you known Lone and Cherry ever since they were married?
A Yes, sir.
Q Both alive and living together as man and wife? A Yes, sir.
Q Been living in the Nation continuously? A In 1889 I met him at Gibson, and asked him where he was living; he said in Canadian District; I didn't go there to see.

LONE LANDRUM, the applicant, re-called, and further examined: By Commissioner Needles:

Q You have lived some time in the Creek Nation have you?
A Yes, sir, I have lived in Muskogee sometime.
Q But you have never lived outside of the Indian Territory?
A no, sir, nowhere.

L. D. DANIELS, witness, recalled, examined by W. W. Hastings, Cherokee Representative, stated:

Q You know who Jordon Thompson returned to the Cherokee Nation with?
A No, sir, I don't; I know he was there though.
Q Was Jordon Thompson a slave of James Allen Thompson, who was father of Joh son Thompson? A That's what was said.

Q You know any other Cherokee Thompson's there? A This fellow died there.
Q You didn't know any other Cherokee Thompsons? A No, I didn't know any other Cherokee Thompson there at that time.
Q Where did Bob Smith live? A Bob lived just this side of where Jodeon did; Jordon lived little below him, south.
Q Where did either one of them live? A About three miles southeast of Fort Gibson.
Q Any Cherokees live down there? A Frank Smith ought to live down there, that's his daddy's old place; was.
Q What year was that big flood in, at Ft. Gibson? A We had a big raise in '65 and '66 too.
Q Which was the big one? A Well in '66. I believe that was the largest one that we had; run everybody out of the bottom that was in there that could get out.
Q Was that in the spring or summer? A That was in I think about June or July.

LONE LANDRUM, applicant, re-called and further examined:
By Commissioner Needles:
Q Have you got anybody else, any other testimony? A No, sir, I would like to enroll a boy of mine that's in the penitentiary.
EXAMINED BY CHEROKEE REPRESENTATIVE, W. W. HASTINGS:
Hastings: Comes now the representatives of the Cherokee Nation and desire to introduce the record as shown on page 69 of minutes of Special Court of Commission, Supreme Court, 1871, of the Cherokee Nation, upon which page, under the proceedings of the Court, of June 8th, 1871, is found the followsing:
"Cherokee Nation vs Jordon Thompson. Claiming Limitation. Upon the testimony, the Court decide claimant is not entitled to rights of Cherokee citizenship under the treaty of July, 1866."
EXAMINED BY COMMISSIONER NEEDLES:
Q were you married to Cherry? A Yes, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Anybody here? A Yes, sir, call Luster Foreman, I married right in his house.

LUSTER FOREMAN, being sworn and examined by Commissioner Needles, testified: Recalled:

Q You have been sworn? A Yes, sir.
Q you know both Lone Landrum and his wife, Cherry? A Yes, sir.
Q Were they married? A Yes, sir.
Q How do you know that? A I was at the wedding.
Q Where were they married? A At my house if I mistake not; I know they were.
Q You recollect who married them? A No, sir.
Q They were married at your house? A Yes, sir.
Q Have they been living together since that time as man and wife? A Yes, sir.
Q Is Cherry the mother of Jesse, Reed, Minnie, Mamie and Pearl? A She has got some children; I don't know; I know the oldest ones but I don't know the youngest ones since I have been away.
Q you know they were married and have lived together as man and wife? A Yes, sir.

APPLICANT, LONE LANDRUM, recalled, and further examined:
By Commissioner Needles:
Q You apply for the enrollment of your son? A Yes, sir.
Q What is his name? A George.
Q How old is he? A Going on 25.
Q What is his post office when he is at home? A It will be at Bennett when he is at home.

Q What is the reason George isn't here himself? A He is over at Leavenworth in the penitentiary.
Q He can't appear? A No, sir.
Q He is your son by Cherry? A Yes, sir.
Q Alive and living at this time? A So far as I know, yes, sir.
Q Is he married? A No, sir.
Q No children? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and George Landrum identified as follows: Page 109, #2731, George Landrum, Tahlequah district.

By Cherokee Representative W. W. Hastings;
The representatives of the Cherokee Nation present desire to call attention to the fact that the testimony discloses that the applicant did not return with his father or step-father or any of his brothers mentioned in the judgment.

BY COMMISSIONER NEEDLES: EXAMINAING APPLICANT:

Q You didn't come back with George and Caroline and Samuel and Daniel? A No, sir, I left my father in Kansas.

COM'R NEEDLES: Lone Landrum applies for the enrollment of himself, his wife, Cherry, five children, Jesse, Reed, Minnie, Mamie and Pearl, and his oldest son, George, 23 years of age; he avers that his son george is incarcerated in prison and it is impsosible for him to appear himself; upon examination of the rolls of 1880 the name of Lone Landrum and his wife, Cherry cannot be found, but they and their children enumerated herein are duly identified upon the Kerns-Clifton roll; they make satisfactory proof of residence the name of Lone Landrum cannot be found upon the roll of 1880, but his father, George Landrum, his step-mother, Caroline, his brothers, Samuel, Daniels and Sherman and William L., are found upon the authenticated roll of 1880; he makes satisfactory proof as to his marriage; by reason of the fact that his name does not appear upon the authenticated roll of 1880 and the further fact that the enrollment is contested by the Cherokee Nation, Lone Landrum, his wife, Cherry and children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a Doubtful card, awaiting further consideration of this Commission; when the Commission arrives at a conclusion in this case he will be notified by mil.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof .

(Signed) M. D. Green.

Subscribed and sworn to before me this May 15, 1901.
(Signed) C. R. Breckinridge,
Commissioner.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

Subscribed and sworn to before me this 13th day of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Maggie Colbert for enrollment as a Cherokee Freedman.

No. F. D. 413

I Henry Pack of lawful age, being duly sworn on oath states that on the 11th day of September, A. D., 1901, he registered to Maggie Colbert whose postoffice is Cheestah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 18 day of September, 1901, he received the return card which is hereto attached, signed by the said Maggie Colbert, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 18 day of Sept, A. D. 1901.

C Starr
Notary Public.

F 9413

SEP 11 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

Acting Chairman

NOTICE!

IN THE MATTER OF The application of Maggie Colbert for enrollment as a Cherokee Freedman:

Case No. F. D. 413

To Maggie Colbert, Chetocah, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 17th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 12 1901 day of , 1901.

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Maggie Colbert for enrollment as a Cherokee Freedman.

No. F. D. 413

I, Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Maggie Colbert whose postoffice is Checotah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Maggie Colbert, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Starr

Notary Public.

F.C. 413

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ....day of ...., 190....

....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

....

on the ..... day of .... A. D. 190....

....

Subscribed and sworn to before me this ....

....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Maggie Colbert
for enrollment as Cherokee citizens:
Case No. D 413

To Maggie Colbert Chocotah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901

Attorneys for the Cherokee Nation.

File with Cherokee Freedmen. D-413, Maggie Colbert.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Lone Landrum et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
J. S. Davenport, of counsel for Cherokee Nation.

FRANK SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Frank Smith.
Q Where do you live? A I live in Canadian District, Cherokee Nation.
Q What is your postoffice? A Braggs I think it is.
Q How old are you? A 56.
Q Where did you live at the breaking out of the war? A I lived three miles south of Fort Gibson.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you return? A In '65 I came back.
Q To what point did you come? A Fort Gibson.
Q How long did you live in or near Fort Gibson? A Well the family didn't move back till '66, I just came up there on a visit.
Q Well, did you live with the family any length of time at or near Fort Gibson? A Lived there till about 15 years ago from the time we moved in '66.
Q Are you acquainted with Lone Landrum? A Yes, sir.
Q When did you first learn to know him? A It was about '68 when I first remember seeing Lone Landrum.
Q Do you remember any incident of your first meeting him, or what the occasion was? A No, sir, I don't.
Q When was that rise down in the bottom that came up over the bottom and they had to move everybody out of there? A '68.
Q Had you met Lone Landrum at that time? A Not that I remember.
Q How long after that was it until you seen him? A Along that fall I think.
Q Did you know him before the war? A No, sir.
Mr. Mellette: There was nothing then to particularly attract you to Lone Landrum as you didn't know him before the war, Mr. Smith?
A No, sir.
Q He might have been in the country and you not seen him, might he not? A I would have seed him if he had been there about Gibson.
Q Well, were you watching for everybody that was down there? A No, not in particular, but I was acquainted with nearly every fellow there.
Q Well I say there wasn't any reason why you should particularly pay any attention to Lone Landrum, was there? A No, sir.
Q Did you know every colored man that lived in that country?
A No, sir, I don't know as I did.
Q How far from Fort Gibson did you live? A Three miles.
Q Well where did you see him after the rise in the water down there, you are talking about? A At Fort Gibson.
Q You don't remember what the circumstances were under which you saw him? A No, sir, I don't.

McCOY SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A McCoy Smith.

Q Where do you live? A In Canadian District.
Q What is your postoffice? A Braggs, Illinois District.
Q How old are you? A 54 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q To what point did you return? A Well the first place, I came to Webbers Falls, that was in the summer of '66, but when I moved back here it was in the fall.
Q Well, what point was your home, that you lived? A Fort Gibson.
Q That was in the fall of '66? A Yes, sir.
Q Do you know Lone Landrum? A Yes, sir, I know him.
Q How long have you known Lone Landrum? A Oh I have known him thirty yeare.
Q Well, did you see him to know him around Fort Gibson or the bottoms around Fort Gibson? A I saw him there at Fort Gibson.
Q About what year was that you saw him there? A The first time I recollect seeing Lone there was about '70.
Q Had you known him before the war? A No, sir.
Mr. Mellette: Well you were not around there all the time, arund Fort Gibson? A A good deal of the time.
Q You don't pretend to have seen every colored man that was there? A Oh no.
Q Lone Landrum might have been there and you might not have seen him? A He might have been there and I might not have seen him, as I might have seen him and not known him.
Q Is this witness just on the stand your brother? A Yes, sir.
Q If he saw him in '68, he might have been there before you saw him two years? A Yes, sir.

WILLIAM HUDSON, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A William Hudson.
Q Where do you live? A Fort Gibson.
Q How old are you? A 56.
Q How long have you lived at Fort Gibson? A Why I have been living there ever since the first day of March, 1866.
Q Do you know Lone Landrum? A Yes, sir.
Q How long have you known him? A Well sir I can't tell you exactly what date I did get acquainted with him, but I have been knowing him quite a while.
Q Well about how long had you been to Fort Gibson before you got acquainted with him, or saw him there? A I think it was about '67 or 8, somewhere along there.
Q Do you know where he was living when you got acquainted with him? A I think he was living on the north bank of Grand River when I got acquainted with him.
Q How far from Fort Gibson? A Right across the river.
Q Do you remember anything about any big rise in that country along about that time? A Yes, sir.
Q When was the big rise that came all over the bottom down there and everybody had to be moved out? A That was in '68 I think.
Q Was it before or after the year they had the cholera? A Well we had the cholera in '67 and '68 on from '67.
Q The big rise then was the next year after the cholera? A Yes, sir.
Mr. Mellette: Now Bill, are you certain that rise came in '68? A Yes, sir, I am, because we had rises all along, Mr. Mellette, from '66 and '67, you know the boats came up.
Q Well there was a big rise in '66 wasn't there? A There wasn't no big rise, there was a rise in the river.
Q In '68 and '7 too? A In '67, but not the biggest rise, that drove the people out of the bottoms.
Q That was in '68? A Yes, sir.

Q You said you got acquainted with Lone Landrum in '67 or '8; which was it? A If I was to be hung I couldn't tell you which it was, it was along about that time.

Q Are you going to give dates as to when you got acquainted with him? A I didn't keep no dates, that was directly after the war and we had to look out for ourselves.

Q It might not have been '67 or '8? A It was along about that time.

Q Might have been '68? A No, sir, because we didn't have the rise then.

Q Didn't you get acquainted with him till the rise? A No, sir.

Q How did you happen to get acquainted with him when the rise came?

A Because everybody was flocking to get to high ground to be safe.

Q And he was one of those flocking? A Yes, sir, trying to shelter himself.

Q You don't know where he had been before that? A No, sir.

Q He had been over there across the river before that time? A I can't say whether he had or not.

Q He could have been, then? A I don't know where he was before that time and I can't tell you no more than the time I got acquainted with him.

Q You don't know whether he wasn't around there somewhere? A No, sir, I can't say that.

Commissioner: This will be made part of the record in the case at bar and also part of the record in Freedman D-351 and D-413.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of November, 1901.

Commissioner.

J 15-00 20 J 10445

IN RE

Application for Enrollment of

INFANT CHILD

Dan Colbert

as a citizen of

Cherokee Nation.

Approved July 1 1902

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D

Jul 3, 1902

Tams Bixby

Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Dan Colbert (Here insert name of child), born on the 7th day of March, 1902.

Name of Father: John Colbert, a citizen of the Creek Nation.

Name of Mother: Maggie Colbert, a citizen of the Cherokee Nation.

Post-office Checotah, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Maggie Colbert, on oath state that I am 23 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Colbert, who is a citizen, by adoption, of the Creek Nation; that a male (Male or female) child was born to me on 7th day of March 1902; that said child has been named Dan Colbert, and is now living.

her
X Maggie X Colbert
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
A. A. Avery
George McGilbry

Subscribed and sworn to before me this 28 day of June 1902.

(Seal)

John K. Sherwood
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Hannah Thomas, a midwife, on oath state that I attended on Mrs. Maggie Colbert, wife of John Colbert, on the 7th day of March, 1902; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named Dan Colbert

her
X Hannah X Colbert
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
A. A. Avery
George McGilbry

Subscribed and sworn to before me this 28th day of June 1902.

(Seal)

John K. Sherwood
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lone Landrum, et al., as Cherokee Freedmen, consolidating the applications of:

Lone Landrum, et al.	Cherokee Freedman D 277
Dora Escoe, et al.,	Cherokee Freedman D 351
Maggie Colbert, et al.,	Cherokee Freedman D 413.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Lone Landrum for himself and wife, Cherry Landrum, and their adult son, George Landrum, and their minor children, Jesse, Reed, Minnie, Pearl and Mamie Landrum; by Dora Escoe for herself and minor children, Johnnie and Luther Escoe; and by Maggie Colbert for herself; thereafter, on July 3, 1902, there was filed with the Commission an affidavit showing the birth on March 7, 1902, of Dan Colbert, child of the applicant, Maggie Colbert. A copy of the testimony taken on August 25, 1902, at Muskogee, Indian Territory, in re application of Boston and Joe Barnett for enrollment as Creek Freedmen, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Lone and Cherry Landrum claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the same right as descendants of the said Lone and Cherry Landrum.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants, Lone and Cherry Landrum, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and later returned thereto and established their residence therein.

(2) That all the other applicants herein were born since the close of the rebellion, are lineal descendants (are children, except Johnnie and Luther Escoe and Dan Colbert, who are children of the said applicants, Dora Escoe and Maggie Colbert), of the said Lone and Cherry Landrum, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

(3) That if any Cherokee Freedman citizenship rights have been acquired by the applicants herein, such rights, except as to Johnnie and Luther Escoe, have not since been forfeited.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee Freedmen as of September 1, 1902, but two questions are presented for determination in this case, namely:

Did Lone and Cherry Landrum return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of Cherokee freedmen to said Nation, and,

Have Johnnie and Luther Escoe forfeited their rights to Cherokee Freedman citizenship?

THE EVIDENCE FURTHER SHOWS: That the applicant, Lone Landrum, returned to the Cherokee Nation after the rebellion, in company with, among others, his brother-in-law, Joe Barnett, deceased (Creek Freedman), his mother, Cassie Landrum, deceased,(died prior to 1880), and full brother and sisters, Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy; and that the applicant, Cherry Landrum, returned to the Cherokee Nation after the rebellion, with, among others, her full brother, Will Thompson, and full sister, Janie Thompson, now Simmons, all of whom were born prior to the commencement of the rebellion.

In connection with the evidence in re return of Lone Landrum and Cherry Landrum, attention is called to the fact that the records of this office show:

(a) That the said Joe Barnett is identified on Creek Roll made by Major J. W. Dunn, prior to March 14, 1867, opposite No. 403.

(b) That the said Will Landrum, Nan Landrum, now Mackey, and Katie Barnett, nee Landrum, now Mondy, are identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Col.", and are included in a partial roll of Cherokee Freedmen duly approved by the Secretary of the Interior on January 16, 1903, opposite numbers 1242, 1251 and 2749, respectively.

(c) That the said William Thompson is identified on the Cherokee authenticated tribal roll of 1880, as "Ad. Col.", and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on December 23, 1902, opposite No. 550.

(d) That the said Janie Simmons, nee Thompson, was granted the right to enrollment as a Cherokee Freedman in its decision rendered by the Commission to the Five Civilized Tribes, on March 5, 1904, (said decision was not protested by the Cherokee Nation), and is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3624.

THE EVIDENCE FURTHER SHOWS: That application was duly made for the enrollment of the minor applicants herein, Johnnie and Luther Escoe, as Creek citizens; that they are included in a partial roll of Creeks by blood approved by the Secretary of the Interior on January 8, 1904, opposite No. 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicants, Lone and Cherry Landrum, complied with the provisions of Article IX of the Treaty of 1866; that the other applicants herein were born since the close of the rebellion, are lineal descendants of the said Lone and Cherry Landrum, and that none of the applicants herein, except as below noted, have forfeited their rights to Cherokee freedman citizenship; and that the said applicants, Johnnie and Luther Escoe, forfeited their rights to enrollment as Cherokee Freedmen, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), which provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisons of Section Twenty-one of the Act of

Congress approved June 28 , 1898 (30 Stat., 495), Lone Landrum , Cherry Landrum, George Landrum, Jesse Landrum, Reed Landrum, Minnie Landrum, Pearl Landrum, and Mamie Landrum, Dora Keese, Maggie Colbert and Dan Colbert, are entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly granted; and that, under the provisions of Section Twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), Johnnie Keese and Luther Keese are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 8 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Mamie Colbert,
Checotah, I.T.
Cherokee F-D-413
Register.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

KEEP IN REPLY TO THE FOLLOWING

Cr. F. 958.

Muskogee, Indian Territory, January 18, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of January 15, in the matter of the application for the enrollment of Maggie Colbert and her minor child, Dan Colbert, as Cherokee Freedmen. It is stated that the father of these children, whose name is John Colbert, is a Creek citizen.

You request to be advised if application has ever been made for the enrollment of the child, Dan Colbert, as a citizen of the Creek Nation.

In reply you are advised that John Colbert was listed for enrollment as a Creek Freedman in September, 1898, his age being given at that time as twenty-one years. The records of the Creek Enrollment Division do not disclose whether he was married or single.

The records of the Creek Enrollment Division have been examined and it does not appear that application has ever been made for the enrollment of Dan Colbert as a citizen of the Creek Nation. Reference is made to Cherokee Freedman D. 413.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D 413

Muskogee, Indian Territory, July 7, 1905

Bell, Hastings and Davenport,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Maggie Colbert, et al., as Cherokee freedmen, Maggie Colbert has this day been notified that before a final decision in her case can be rendered, it will be necessary that further testimony be introduced tending to show conclusively the date of the return to the Cherokee Nation, after the war of the rebellion, of her father, Lone Landrum, and to show whether or not her mother, Cherry Landrum, possesses any right to enrollment as a Cherokee freedman.

For this purpose she has been directed to appear at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, July 20, 1905, and introduce testimony as above indicated.

Respectfully,

Commissioner

Cherokee Freedman
D 413

Muskogee, Indian Territory, July 7, 1905.

Maggie Colbert,

Checota, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that before a final decision in this case can be rendered it will be necessary that further testimony be introduced, tending to show conclusively, the date of the return to the Cherokee Nation, after the war of the rebellion, of your father, Lone Landrum, and to show whether or not your mother, Cherry Landrum, possesses any rights to enrollment as a Cherokee freedman.

You are, therefore, hereby directed to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, July 20, 1905, and introduce testimony as above

indicated. You are further advised that the Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire touching the points above mentioned.

Respectfully,

Commissioner

Cherokee Freedman

D-413. COPY.

Muskogee, Indian Territory, July 28, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Application has been made for the enrollment, as a Cherokee freedman, of Dan Colbert, born March 7, 1902, the child of Maggie Colbert, an applicant for enrollment as a Cherokee freedman, and John Colbert, a citizen of the Creek Nation. You are requested to advise the Cherokee Enrollment Division whether or not application has been made for the enrollment of said Dan Colbert as a Creek citizen, and if so, the status of the application.

Respectfully,

SIGNED) Tams ...

LS Commissioner.

(C O P Y)

H.G.H.

Muskogee, Indian Territory, August 1, 1905

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of July 28, 1905, in which you ask if application has been made for the enrollment of Dan Colbert, child of Maggie Colbert, an applicant for enrollment as a Cherokee freedman, and John Colbert, a citizen of the Creek Nation; born March 7, 1902, as a Creek citizen.

In reply, you are advised that it does not appear from our record that application has ever been made for the enrollment of said Dan Colbert as a citizen of the Creek Nation.

Respectfully,

(Signed) TAMS BIXBY
Commissioner

B

Cherokee
F D-277 et al.

COPY.

Muskogee, Indian Territory, September 11, 1905.

J. W. Givens,

Attorney for Lone Landrum et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lona, Cherry, Jesse, George, Reed, Minnie, Pearl, and Mamie Landrum, Dora Escoe, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED. W. O. Beall

Acting Commissioner.

Incl. CL-243.
GHL

Muskogee, Indian Territory, September 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lone Landrum et al., as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Annie Landrum; Dora Escoe; and Maggie and Dan Colbert; and rejecting the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GI-245.
GHT.

Through the
Commissioner of Indian Affairs.

Cherokee.
Y D-277 et al.

COPY.

Muskogee, Indian Territory, September 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone, Cherry, Jesse, George, Reed, Minnie, Pearl, and Mamie Vandrum, Dora Keeee, and Maggie and Dan Colbert, and rejecting the application for the enrollment of Johnnie and Luther Keeee, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. CL-244.
GHL

Land:
73593-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 9, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Lone Landrum for himself and wife, Cherry, their adult son, George, and their minor children, Jesse, Reed, Minnie, Pearl, and Mamie Landrum; by Dora Escoe for herself and her minor children, Johnnie, and Luther Escoe; and by Maggie Colbert for herself and her minor child, Dan Colbert. September 8, 1905, the Commissioner decided adversely to Johnnie and Luther Escoe and favorably to all the other applicants. The record shows that Lone and Cherry Landrum were the slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken from the Cherokee nation during the war, and returned thereto on or before February 11, 1867; that all the other applicants are lineal descendants of Lone and Cherry Landrum and possess no rights to enrollment as Cherokee Freedmen other than as such descendants; that any rights as Cherokee Freedmen acquired by the applicants, such rights, except as to Johnnie and Luther Escoe, have not

been forfeited; that the names of Johnnie and Luther Escoe are included in a partial roll of Creeks by blood approved by the Department on January 8, 1904, at Numbers 9706 and 9707, respectively, and have selected their allotments of land in the Creek Nation and have forfeited any right to Cherokee Freedman citizenship under the provisions of Section 28 of the Act of July 1, 1902 (32 Stat., 716), which provides:

> No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to Johnnie and Luther Escoe and favorable to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

D. C. 2664-1906.
I.T.D. 324-1906.
LRS

W. F.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 11, 1905, the Acting Commissioner transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Lone Landrum for himself and wife, Cherry Landrum, their adult son George, and their minor children, Jesse, Reed, Minnie, Pearl, and Mamie Landrum; of Dora Escoe for herself and her minor children, Johnnie and Luther Escoe, and of Maggie Colbert for herself and her minor child, Dan Colbert.

Reporting January 6, 1906, the Indian Office recommended that your decision, adverse to Johnnie and Luther Escoe, and favorable to all the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated September 8, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen

D-277, et al.

COPY.

Muskogee, Indian Territory, January 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Lone Landrum, et al., and denying the application for the enrollment of Johnnie and Luther Escoe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.

Acting Commissioner.

Incl. S-92

Cherokee Freedmen COPY.

D-413.

Muskogee, Indian Territory, January 24, 1906.

Maggie Colbert,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting, among others, your application for the enrollment of yourself and child, Dan Colbert, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 13, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Commissioner.

Incl. S-94

Muskogee, Indian Territory, July 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Schedule No. 10 of Freedmen Citizens of the Cherokee Nation approved by the Department May 28, 1906, I have the honor to advise that the number appearing on said schedule following No. 4104, and preceding No. 4106, should be No. 4105 instead of 1405. This is a typographical error and it is respectfully requested that the copies of this schedule retained by the Department and in the Office of the Commissioner of Indian Affairs be corrected so that the number following No. 4104 and preceding No. 4106 will appear as No. 4105 instead of No. 1405, and that this office be authorized to make similar corrections in the copies of this schedule returned to it.

Respectfully,

M.A.

Commissioner.

Through the

Commissioner of Indian Affairs

(COPY)

DEPARTMENT OF THE INTERIOR,

LAND:
61735-1906.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 14th instant from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to schedule No. 10 of freedmen citizens of the Cherokee Nation, approved by the Department on May 28, 1906, and reports that the number appearing on the schedule following No. 4104 and preceding No. 4106 should be No. 4105 instead of 1405, this being a typographical error, and he requests that the copies of the schedule retained by the Department and in this office be corrected so that the number following 4104 and preceding 4106 will appear as 4105 instead of 1405, and that he be authorized to make similar corrections on the copies of the schedule on file in his office.

I concur in the recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

D.C.33642. J.F.Jr.
I.T.D.12948-1906.

DEPARTMENT OF THE INTERIOR, LLB

J.E.D.

WASHINGTON.

July 31, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated July 14, 1906, in reference to schedule No. 10 of freedmen citizens of the Cherokee Nation approved by the Department May 28, 1906.

You state that the number appearing on said schedule following No. 4104 and preceding No. 4106, should be 4105 instead of 1405. You request that as this is a typographical error, the copies of the schedule retained by the Department and in the office of the Commissioner of Indian Affairs be corrected so that the number following No. 4104 and preceding No. 4106 will appear as No. 4105 instead of No. 1405, and that you be authorized to make similar corrections on the copies of the schedule in the possession of your office.

Reporting July 26, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The copy of schedule No. 10 of freedmen citizens of the Cherokee Nation on file with the Department has this day been corrected in accordance with your recommendation. The Indian Office has been requested to make the same correction

upon the copy of said schedule returned to that office, and authority is hereby granted for you to make similar corrections on the copies of the schedule in your possession.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REGISTRY RECEIPT.

Post Office at Fort Gibson I.T. Sept 11th, 1901

Registered Letter / Parcel No. 83 Rec'd Sept 11th, 1901

of Hester Fort Gibson I.T.

addressed to Maggie Colbert Checotah I.T.

Hubbard Ross P. M.

REGISTRY RECEIPT.

FT. GIBSON, I. T.
SEP 21 1901

Post Office at

Registered Letter / Parcel No. Rec'd , 190

of

addressed to

Hubbard Ross, P. M. P. M.

Cher Fr 1501
Trans. from Cher Fr R266

Cher Fr 1501

DEPARTMENT OF THE INT...
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15, 1901.

In the matter of the application of Lucy Bean for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Lucy Bean.
Q How old are you? A 23
Q What is your post-office address? A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe
A No sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A George Bean.
Q Is he living? A No sir.
Q What is your mother's name? A Bettie Bean.
Q Is she living? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;

Q Did you draw what is known as the Cherokee Strip money? A Yes sir

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:
page 130 #3233 Lucy Bean Cooweescoowee District.

Q You say your mother was a slave, Betsy Bean? A Yes sir.
Q Is her name on the authenticated roll of 1880, do you know?
A I don't know sir.
Q Where were you born? A In the Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q You know whether your mother was a slave or not? A Yes sir.
Q Who did she belong to? A Ellen Vann.
Q Was she taken out of the Cherokee Nation during the war? A I don't know sir.

JOE BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe Bean.
Q What is your age? A 54, or 5 years old.
Q What is your post-office address? A Spavinaw.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, I don't recognized.
Q You are a disputed citizen? A Yes sir.
Q You know Lucy Bean the applicant here? A Yes sir.
Q What was her father's name? A George Bean.
Q What was her mother's name? A Betsy Bean.
Q Were they slaves before the war? A Yes sir.
Q Who did they belong to? A George Bean belonged to Washington Adair and Betsy belonged to Ellen Vann.
Q Washington Adair and Ellen Vann Cherokee citizens by blood? A Yes sir.
Q Were they taken out of the country during the war? A Yes sir.
Q Where to? A Kansas.
Q When did they return to the Cherokee Nation? A In '66.
Q Are they living either one of them? A No sir, both dead.
Q Lucy Bean was born after they returned? A Yes sir.
Q You know why their names are not on the rolls of 1880, her father and mother? A They just wouldn't enroll them on that roll.
Q But her father and mother you say removed from Kansas in the year 1866? A Yes sir.

Q Did they live here until their death? A Yes sir.

Examined by Cherokee Representative, L.B.Bell:

Q Who did you say came backwith George Bean? A Bettie Vann.
Q They moved back just alone? A I don't know who was with them; he was in that Horse Creek scrape.
Q He was along with Tobe Bean and them others? A Yes sir.
Q Was you along? A Yes sir.
Q Who do you say his wife, her mother, was? A Bettie Vann, belonged to Jim Vann and Ellen Vann.
Q When did that Horse Creekfight occur? A In the fall of '66.
Q After that fight where did you go? A Come doen on Spring Creek.
Q I understand you said you was in it, you was along? A Yes sir, we come on down here.
Q Was there anybody killed at it? A Yes sir.
Q What route did you travel going to Spring Creek? A We went right by the old salt lick; we got there about sun down next day, and then went on that night with them dead men to Spring Creek. I carried them to Spring Creek.
Q You just come right down the Military Road? A Yes sir, until we got to Wolf Creek.
Q Who was in that crowd, along with you? A There was a whole lot of them, I don't know who all.
Q you know one or two besides yourself? A Yes sir.
Q Name them? A George Vann and Lou Bean and Phillis Bean, Rose Vann out here and Sam Vann.
Q How long did you stay here yourself? A About between two and three weeks.
Q Where did George go? A He was with me.
Q He went to Spring Creek? A Yes sir.
Q What became of him after you left; you didn't take him back to Kansas with you? A He went ~~with~~ along with me.
Q Went along back to Kansas with you? A Yes sir.
Q When did you leave for Kansas? A About two or three weeks afterwards.
Q When did you return? A Come back that fall, that same winter like.

TOBE BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Tobe Bean.
Q What is your age? A About 63.
Q What is your post-office address? A Vinita.
Q Are you a recognized Freedman ofthe Cherokee Nation? A No sir, they don't recognize me.
Q Do you know Lucy Bean, the applicant here? A Yes sir.
Q Did you know her father and mother? A Yes sir.
Q Were they taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did they return? A '66.
Q Lucy wasn't born then? A No sir. When George returned Lucy wasn't born; she wasn't born until they moved down here.
Q They lived in the Cherokee Nation until their death? A Yes sir.

Examined by Cherokee Representative, L.B.Bell:

Q Tobe, when did that fight happen at Horse Creek, in which you got shot? A '66.
Q Well, just what time of the year? A It was in the fall.
Q Was George Bean along with you at that time? A Yes sir.
Q Where did you take him to? Or where did he go to after he left there? A Went down on Spring Creek.
Q How long did he stay there at Spring Creek? A Two or three weeks

Q Then when became of you? A Come back up on Cabin Creek there.
Q You staid there? A Staid there awhile.
Q How long did you stay there? A About 2 weeks I guess.
Q Where abouts on Cabin Creek? A At the old Charles Landrum place, at the mouth of the place.
Q Who was living up there? A Crap.
Q Then where did you go? A Went and helped Crap gather his corn, and went back to Kansas then.
Q How long did you stay there? A About a month I reckon.
Q George was with you all the while was he? A Yes sir.
Q Where was George's family during this time? A Didn't have no family, but his wife.
Q Where was his wife? A She was up there in Kansas.

Examined by Commissioner Needles:

Q You say his wife was up in Kansas? A Yes sir.
Q That was after the Horse Creek fight? A When we come back the last time she come then.
Q That was in '66 when he come back the last time, with his wife?
A Yes sir.

Com'r Needles: Lucy Bean applies for the enrollment of herself her name does not appear upon the authenticated roll of 1880, but she is duly identified upon the Kerns-Clifton pay roll; she avers that she is a child of George and Betsy Bean, and their names do not appear upon the authenticated roll of 1880; by reason of the fact that her name does not appear upon the roll of 1880, said Lucy Bean will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission; when the Commission arrives at a conclusion she will be notified, by mail.

M.D.Green, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 15, 1901.

C N Mackenzie

Commissioner.

VB. I.T. 290

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office ~~Vinita~~ Jay.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Lucy Bean Age 23

Owner's name ..... Citizenship .....

Year R 96 Page 130 No. 3283 District Coo

Parents:

Father Geo. Bean dead Citizenship .....

Mother Betsy, — dead Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Doctored

Application made by Mrs. J. Stenographer W. D. Green

SION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 12 1901

NOTICE!

In the matter of the application of Lucy Bean for enrollment as a Cherokee Freedman.

Case No. D 290

To Lucy Bean, Vinita IT

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: JUN 12 1901 A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this JUN 4 day of 1901 1901.

R. L. Bell
W. W. Hastings
J. S. Davenport

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. } S. S

I do solemnly swear that I delivered a true copy of the within notice to Lucy Bean on the 6th day of June A. D. 1901.

John Parks

Subscribed and sworn to before me this 5th day of June 1901. J. E. Lacy Notary Public.

D

Fw 897

ISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 12 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 13th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony, of May 15th, 1901, in the matter of the application of Lucy Bean for the enrollment of herself as a Freedman of the Cherokee Nation.

Attorneys for Applicant.

Cherokee Freedman #D290.

DEPARTMENT OF THE
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two terms.

Q Have you been employed by anyone other than the Sheriff's Department during that period of time?

A Yes, sir.

Q Will you please tell us by whom you have been employed?

A Yes, sir. I operate a security service.

Mr. Hearing: I desire to offer this testimony in the cases of Jewel Martin, D-382; and Bennie Wright, D-504; Joseph Bean, D-515; Inez Bean, D-330; and Bennie Wright, D-504.

***

File with Cherokee Freedmen, D-290 Lucy Bean

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants.
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob ~~Knight~~ Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him then? A No, sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I came across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.
Q Of what year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.
Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Knew you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.
Q Whose place was that? A It was known as the Knight place, it was vacant though.
Q How often had you been up in that country? A Well, I can't tell you just how often I had.
Q I just want to know how often you had been up in that country?
A I had been to that place three times that year.
Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.
Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.
Q You just passed by these places in question? A Yes, sir.
Q Came right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on; is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '63, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th of 15th.
Q You remember now it was the 10th of 15th of December? A Yes, sir.
Q How do you xxxx happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November,
Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it. I knew those facts though.

Q You testified to the same facts before the Clifton Court you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it; do you think you gave the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '66.

Q You are certain of that? A Yes, sir, I let him have the whisk-e to get drunk on.

Q Well now you know it was in '66 that Mose Bean shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Mose Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all: you knew where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Horse Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Bean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q Thi one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Tobe Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come; come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Those they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
A I don't know anything about it.
Q You say the troops all right, did you? A I did.
Q How many? A Seemed to me like about 20 or 25.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things tha haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'tknow, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind. I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1883.
Q '83? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't hut it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I ~~don't~~ know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

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G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six-Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

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T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 46.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 52.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Bose place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boser place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boser place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boxer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You have forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boxer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

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Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289; and Fannie Hight, D-207.

****

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the ~~22~~ 15th of August, 1901.

Commissioner.

FD 290

File with Cherokee Freedman D-290, Lucy Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Mary Brown.
Q How old are you, Mrs. Brown? A I don't know my age exactly.
Q Give an idea? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.
Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some menn came to my house to stay all night.
Q Who were they? A Kinch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where was that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Adron West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifty one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

T. B. Needles

Commissioner.

BY 70290

NOV 14 101

File with Cherokee Freedman D-200, Lucy Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.
Q What is your postoffice, Mr. Rowe? A Rose.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Were you out of the nation during the war? A No, sir.
Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.
Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.
Q Did you know a colored man named George W. Vann? A Yes, I know George.
Q Which George is it you know? A I know George Vann, lives on Spring Creek.
Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.
Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.
Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.
Q What knowledge have you that they were killed? A What knowledge have I?
Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw Bullet holes in them.
Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.
Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.
Q Were they colored men? A Yes, sir.
Q Who helped to bury them? A A whole lot of colored fellows buried them there.
Q Can you think of those whose names you remember? A There was Gilbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.
Q How many more do you think there were besides those you mentioned?
A I don't know, I never counted them.
Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.
Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?
A Yes, Spring Creek George was there.
Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

D. B. Hastings

Commissioner.

J0290

To be filed with C. F. D-290.
R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q How do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S. S. STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.
BY COMMISSION: Answer the question.
A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.
Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-
Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.
Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.
Q What year was that? A That was in the fall of '66 as near as I can remember.
Q And you don't know the time? A Yes, sir.
Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.
Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.
Q Did you know Tobe? A Tobe, I mean, I know them well.
Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.
BY MR. HASTINGS:
Q Then did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.
BY MR. MELLETTE:
Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.
Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.
BY MR. HASTINGS:
Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.
Q You were around with us a good deal of that time? A Yes, sir.
Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.
Q Also a great many witnesses were introduced on both sides?
A Yes, sir.
Q There was a great deal of discussion about it? A Yes, sir.
Q Did you ever go on the stand and testify at that time? A No, sir.
Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.
Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q And I sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now?
A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q He was living there? A Yes, sir.
Q Are you positive about it? A No, I would'nt say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur O. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur H. Cranmer Jr.

Subscribed and sworn to before me this 12th day of April, 1903.

Rudolph Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902

ACTING CHAIRMAN

Freed. D 290

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Kosoa Waitaira, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lucy Bean, D 290;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 21st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provided that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Jan. 68

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Bean for enrollment as a Cherokee Freedman, consolidating the applications of

Lucy Bean----------Cherokee Freedmen D 290,
Mary Bean et al.----------Cherokee Freedmen D 299.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Lucy Bean, for herself, and by Mary Bean, for herself and minor children, William and Samuel Bean. All the evidence taken in the case of Tobias Bean, Cherokee Freedmen D 205, is filed with and made a part of the record herein.

The evidence shows that all of the applicants herein have been born since 1866 and are descendants of and claim right to enrollment through George Bean and his wife, Bettie Bean.

The evidence further shows that the said George Bean and wife, Bettie Bean, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that, during said war, they left the Cherokee Nation and did not return thereto until after January 19, 1867.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lucy Bean, Mary Bean, William Bean and Samuel Bean, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby

(SIGNED) T. B. Needles

(SIGNED) C. R. Breckinridge

(SIGNED) W. L. Stanley

Muskogee, Indian Territory,
this JUL 10 1903

JAN 18 1904

F.D 293

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Lucy Bean,
Vinita, I.T.
Cherokee F-D-220
Register.

COPY.

Cherokee Freedmen
D-290.

Muskogee, Indian Territory, January 19, 1904.

Lucy Bean,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge

Enc. D-58.

Register.

Cherokee Freedmen
D-290, D-299.

Muskogee, Indian Territory, January 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Lucy Bean et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean for enrollment as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-82.

Cherokee Freedmen
D-290 D-299.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-61

Cherokee Freedmen
D-290 D-299.

Muskogee, Indian Territory, January 19, 1904.

Edgar Smith,
Attorney for Lucy Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-60.

Register.

Refer in reply to
the following:
Land.
5519-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Lucy Bean for the enrollment of herself, and of Mary Bean for the enrollment of herself and her minor children, William and Samuel Bean, as Cherokee freedmen, citizens of the Cherokee nation.

On January 18, 1904, the Commission rendered a decision in this case, in which it appears that all of the evidence taken in the case of Tobias Bean is filed with, and made a part of, the record. The Commission further finds from the evidence that all of the applicants have been born since 1866, and are descendants of, and claim right of enrollment through, George Bean and his wife, Bettie Bean. The Commission further finds frm the evidence that the said George and Bettie Bean were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee nation and did not return there-

to until after January 19, 1867, and that none of the names of said applicants are found on the 1880 authenticated roll of the Cherokee nation; by reason of which facts and findings the Commission is of the opinion thatthese parties are not entitled to enrollment and that their applications should be denied under the provisions of section 21, of the act of Congress approved June 28, 1898 (30 Stats. 495).

I have examined the testimony submitted in behalf of the claim of these applicants, and am also of the opinion that they do not make out their claim and are not entitled to be enrolled as Cherokee freedmen, citizens of the Cherokee nation. I therefore recommend that said decision of the Commission be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WCB-1fa

(C O P Y)

J.P.

D.C.13486.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE

I.T.D. 2092-1904.

April 23, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the applications for enrollment as Cherokee Freedmen of Lucy Bean (D-290 and D-299), for herself, and of Mary Bean for herself and her minor children, William and Samuel Bean, including your decision of January 18, 1904, denying said applications.

Reporting in the matter March 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of H s letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
R-266.

Muskogee, Indian Territory, June 6, 1904.

Lucy Bean,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 30, stating that your sister and yourself desire to appeal from the decision of the Commission in your application for enrollment as Cherokee freedmen, and you ask to be furnished with a copy of the record.

In reply you are advised that the Commission's decision rejecting, among others, the application for the enrollment of yourself and sister, Mary Bean, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904. In accordance with your request, however, there is herewith enclosed a copy of the testimony.

Respectfully,

Enc. D-18.

Chairman.

COPY

D. C. 56574-1905.
I.T.D. 2092-1904.
16740-1905.

Y.P.
FHE.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

December 15, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

You are advised that a motion for review has been filed with the Department in the Cherokee freedman case of Lucy Bean, et al. SeeDepartmental letter of April 23, 1904.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

D. C. 10758-1906
I.T.D. 2092-1904.
8815, 16740, 17800-1905
84-1906
L R S

Y.P.
FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON.

March 16, 1906

The Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review in the Cherokee freedman case of Lucy Bean, Mary Bean and her children, William and Samuel Bean, of which you were advised December 15, 1905.

January 2, 1906, the Indian Office submitted a protest by the nation against the reopening of this case.

April 23, 1904, the Department, following the recommendation of the Indian Office, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants.

The record in the case of Tobias Bean and Arthur Bean is a part of the record in this case. In the Tobias Bean case the Commission to the Five Civilized Tribes, the Indian Office and the Department, in its letter of August 27, 1904, found in favor of the claimants.

It is contended in the motion for review that the evidence shows that George Bean returned to the Cherokee Nation in 1866 with Tobias Bean and other persons of the Bean family, and was in what is known as the "Horse Creek Fight", which the Department

held, in the Tobias Bean case, occurred in the fall of 1866.

It is concluded that if the applicants in the Tobias Bean case are entitled to enrollment, the applicants in the case under consideration are also entitled, and accordingly, the decision of April 23, 1904, is rescinded, the decision of the Commission adverse to the claimants is reversed, and you are authorized to enroll the applicants.

This action disposes of a motion for review filed September 7, 1905, by the same attorneys who filed a motion of which you were advised December 15, 1905.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary.

COPY.

Cherokee Freedmen

R-266, et al.

Muskogee, Indian Territory, March 24, 1906.

Blue & Bulger,

Attorneys for Lucy Bean, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicants in the Cherokee freedmen enrollment case of Lucy Bean, et al., is rescinded, the decision of the Commission reversed, and this office authorized to enroll said applicants as Cherokee freedmen.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Acting Commissioner.

Incl. S-82

COPY.

Cherokee Freedmen

R-266, et al.

Muskogee, Indian Territory, March 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes, adverse to the applicants in the Cherokee freedmen enrollment case of Lucy Bean, et al., is rescinded, the decision of the Commission reversed, and this office authorized to enroll said applicants as Cherokee freedmen.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. S-83

Cherokee Freedmen

COPY.

R-266.

Muskogee, Indian Territory, March 24, 1906.

Lucy Bean,

Vinita, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to, among others, yourself, is rescinded, the decision of the Commission is reversed, and this office authorized to enroll you as a Cherokee freedman.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

[redacted]

Acting Commissioner.

LS

Cherokee Freedmen
D-290 & D-299.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-290 & D-299.

Muskogee, Indian Territory, May 6, 1904.

Edgar Smith,

Attorney for Lucy Bean et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-290.

Muskogee, Indian Territory, May 6, 1904

Lucy Bean,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cher Fr 1502
Trans. from Cher Fr 267

Cher Fr 1502

Mary Dean Doc.

Subscribed and sworn to before me this 12th day of May, 1901 at
Vinita, I. T.

Commission.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 15th 1901..

In the matter of the application of Mary Bean for the enrollment of herself and her two children as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Bean.
Q What is your age? A. 37.
Q What is your post office address? A. Chaffee
Q What district do you live in? A. Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled? A. Me and my two children.
Q What are the names of your children? A. Willie.
Q How old? A. 11.
Q Next? A. Samuel.
Q How old? A. 8.
Q Are you a recognized citizen of the Cherokee Nation? A. No sir.
Q Do you claim citizenship? A, Yes sir I am a citizen.
Q Is your name on the rolls of the Cherokee Nation? A. Yes sir on the Wallace and Kerns rolls.
Q What is your fathers name? A. George Bean .
Q Is he living? A. No sir.
Q What is your mothers name? A. Bettie Bean.
Q Is she living? A. No sir.
Q What is your husbands name? A. I never knowed him.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified on page 122, No. 3031, as Mary ~~Emmmm~~ Bean, in Saline district.

Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. ~~Sid~~ Jim Vann.
Q Was your mother taken out of the Cherokee Nation during the war?
A No sir not as I knows of.
Q You think she lived here all through the war? A. Yes sir.
Q Where were you born? A. In the Cherokee Nation.

ARTHUR BEAN , called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

Q What is your name? A. Arthur bean.
Q How old are you? A. 38.
Q What is your post office address? A. Vinita.
Q Do you know the applicant Mary Bean? A. Yes sir.
Q Do you know who her mother was? A. Yes sir Bettie Vann.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Ellen Vann and Jim Vann.
Q Was Ellen Vann a Cherokee by blood? A. Yes sir.
Q Did Bettie leave the Cherokee Nation during the war? A. Yes sir went to Kansas
Q When did she return? A. I dont know, she came back a while after her husband.
Q When did her husband come? A. In 66.
Q Who was her husband? A. George Bean.
Q Did you see Bettie with him in 66? A. I know George was here then I dont know that I saw Bettie.
Q Were they living together then? A. Yes sir.
Q Did they have any children? A. No sir.
Q Why didn't they come together ? A He came down first to look after a location and then went back and got his wife.

By L. E. Bell:.

Q Is George Bean living? A. No sir.

Q When did he die? A. Time of the small pox.
Q Are you his brother? A. Yes sir.
Q Who did he come with? A. He came with us.

JOE BEAN, called and sworn as a witness, by Com'r Needles, testified as follows on the part of the applicant:

Q What is your name? A Joe Bean.
Q How old are you? A. 54.
Q What is your post office address? A. Spavinaw
Q Do you know Mary Bean? A. Yes sir.
Q Did you know her father? A. Yes sir, his name was George Bean.
Q Did you know her mother? A. Yes sir, her name was Bettie.
Q Were they slaves? A. Yes sir.
Q Who were their owners? A. George belonged to the Adairs and Bettie belonged to the Vanns.
Q Was Bettie taken out of th Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas
Q When did she come back? A. Shortly after '66.
Q When did George Bean come back? A. In '66,
Q Did he come with you? A. Yes sir.
Q Where was the applicant born? A. On Grand river.

By L. B. Bell:

Q You say George Bean came back here in '66? A. Yes sir.
Q Then did he go back to Kansas? A. Yes sir.
Q How long did he live there the last time? A. Just a short time, 3 or 4 months.
Q He came here with you in '66? A. Yes sir.
Q Was he in that " Horse Creek War " ? A Yes sir.
Q Where did he settle? A. Didn't make any home directly, on Grand river was where he was located.
Q Just lived by you all at first? A. Yes sir.

By Commissioner:

Q What relation is he to you? A. A brother.

By Com'r Needles,—

Mary Bean applies for the enrollment of herself; she is not identified on the roll of 1880 or the census roll of 1896, but she is identified on the Kerns Clifton roll; she avers that she has two children, Willie and Samuel Bean, ages 11 and 6 years respectively; their names are not on any of the rolls. She avers that she is the child of George and Bettie Bean and their names cannot be found on the authenticated roll of 1880; she makes satisfactory proof as to residence and is duly identified. By reason of the fact that she is not on the authenticated roll, and for the further reason that she is contested by the Cherokee Nation, she will be placed on a doubtful card as a Cherokee Freedman to await the further consideration of the Commission. When the Commission arrives at a decission in her case she will be notified by mail. Because of the fact that the names of her two children, Willie and Samuel are not found on any of the rolls of the Cherokee Nation it will be necessary for her to file proof of birth as to them.

* * * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Mary Bean [illegible]

Chas. Conwell

Subscribed and sworn to before me this the 16th of May, 1901 at Vinita, I. T.

[signature]

Commissioner.

B J.S. 299

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office Chaffee I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

IV. Name of wife Mary Bean Age 27

Owner's name ..... Citizenship .....

Year K. C. Page 122 No. 3631 District Talequa

Parents:

Father Geo. Bean - dead Citizenship .....

Mother Betty " - dead. Citizenship .....

Names of Children:

2. Miriam Bean Year ..... Page ..... No. ..... Dist. .....

3. Samuel " Year ..... Page ..... No. ..... Dist. 6

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10 Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by Wm. J Stenographer Chas. von Meuse

2 and 3. affidavits of birth required.

D 299.

COMMISSION TO THE
FILED
JUN 12 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chesloa, Indian Territory, June 12th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of May 15th, 1901, in the matter of the application of Mary Bean et al for enrollment as Freedmen of the Cherokee Nation.

McCoth & Sweet

Attorney for Applicants.

Cherokee F. #D299.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Mary Bean for enrollment as a Cherokee Freedman.

No. F. D. 299

Irvin Tuck, of lawful age, being duly sworn on oath states that on the 13th day of September, A. D., 1901, he registered to Mary Bean whose postoffice is Chaffee Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 26th day of September, 1901, he received the return card which is hereto attached, signed by the said Mary Bean, showing that he had received said notice.

Irvin Tuck

Subscribed and sworn to before me on this the 26th day of Sept. A. D. 1901.

Notary Public.

8229

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of ..... , 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 26 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Mary Bean for enrollment as a Cherokee Freedman:

Case No. F. D. 299

To Mary Bean Chaffee I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 5th 2 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 2 day of , 1901.

L B Bell

W. W.

Attorneys for the Cherokee Nation.

Department of the Interior,
Council and to the Mine Operating Engineer,
Muskogee, I.T., May 28, 1903.

In the matter of the application of the Muskogee Electric Traction Company for permission to operate a double track street railway over and along certain streets in the city of Muskogee, I.T.

Muskogee, I.T., July 20, 1903.

Hon. Tams Bixby,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:-

Referring to the application of the Muskogee Electric Traction Company for permission to operate a double track street railway over and along certain streets in the city of Muskogee, I.T., I have the honor to advise you that the Department has this day approved the application, subject to the following conditions:

1. That the grade of the tracks shall conform to the established grade of the streets.

2. That the tracks shall be laid with 70 lb. girder rails, with not more than one inch variation in gauge, and that the joints shall be made with fish plates and bolts.

3. That the tracks shall be laid with a uniform distance between them of not less than 5 feet 6 inches, and that the outside rail of curves shall be elevated sufficiently to counteract the centrifugal force of cars passing around the curves at the highest speed at which they are operated.

4. That the company shall keep in good repair the space between its tracks and for 2 feet outside of the outside rails, and shall keep in good repair the roadway between the tracks and for 2 feet outside of the outside rails, and shall keep in good repair the space between the

F. D-299.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 26, 1903.

In the matter of the application of Mary Bean for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-299.

Cherokee Nationappears by W. W. Hastings.

MR. HASTINGS: The records in this case show that Mary Bean is 27 years old; that she is the daughter of George Beam, and the head case in which testimony was taken and referred in all of these cases was taken in the case of Tobe Beam, No. 305, and that Mellette & Smith represent the said Tobe Beam, 305, and was present when all testimony was introduced and cross-examined the witnesses, and as this case depends upon that the Cherokee Nation asks that the testimony introduced in the case of Freedman Doubtful 305 be introduced and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Cromlinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cromlinger

Subscribed and sworn to before me this 9th day of July, 1903.

F. J. Kester
Notary Public.

File with F. D-299, Mary Bean

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 8, 1901.

In the matter of the application of Tobias Bean for the enrollment of himself, wife and one boy as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:
Att'y Mellette, of Vinita, for applicant, present:

Q What is your name? A Tobias Bean.
Q How old are you? A About 63.
Q What is your post-office? A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and boy.
Q What is your boy's name? A Arthur Bean, and my wife.
Q How old is your boy? A Going on 21.
Q Well you say what about your wife? A I will enroll her I guess.
Q What is her name? A Jane.
Q How old is she? A About 50.
Q Did you ever apply to be enrolled in any other tribe or nation? A No sir.
Q Ever draw any money in any other nation? A No sir.
Q Have you been recognized by the Cherokee authorities as a Freedman? A Council recognized me once.
Q Are you on the roll of 1880? A I don't know whether I am or not, but Council recognized me.
Q How about your wife? A She is a state woman.
Q When were you married to her? A '84.
Q Is Jane Bean ~~the mother of~~ your first wife? A No sir.
Q Is Jane Bean the mother of Arthur? A No sir.
Q What was Arthur's mother's name? A Margaret.
Q Was she a Freedman? A Yes sir.
Q Is she living? A No sir.
Q How long has Margaret been dead? A Died in 1883.
Q You say Arthur is 21 or 20? A Going on 21.
Com'r 20 now.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Your name aint on the roll of 1880? A I guess? A No sir? A I guess not.
Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 159 #3922 Tobias Bean, Cooweescoowee District.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for wife and name not found;
Kerns-Clifton pay roll of citizens of the Cherokee Nation;
page 159 No.3924 Arthur Bean, Cooweescoowee District.

Q Where is Caroline? A She is dead.
Q Is your first wife's name on the roll of 1880 you suppose, Margaret? A No sir, I guess not; I don't think it is.

1880 authenticated roll of citizens of the Cherokee Nation examined and Margaret not identified thereon.

Q Margaret Bean was the mother of Arthur Bean? A Yes sir.
Q You were married to Margaret Bean? A Yes sir.
Q Have you any proof of your marriage? A Yes sir.

JOE BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe Bean.
Q What is your age? A 54
Q What is your post-office address? A Spavinaw.
Q What district do you live in? A Saline.
Q You know Tobias Bean? A Yes sir.
Q Did you know his first wife, Margaret? A Yes sir.
Q You know whether they were married or not? A Yes sir.
Q How do you know? A They lived together as man and wife before the war.
Q Recognized in the neighborhood as man and wife by the people there? A Yes sir.
Q Did they have any children born to them them? A No sir.
Q Before the war or after the war? A Yes sir, Caroline, Rachel and Arthur.
Q Was Arthur born to them while they were living together as man and wife? A Yes sir.

Applicant, TOBIAS BEAN, re-called, and further examined by Commissioner Needles, testified:

Q Now, Mr. Bean, was you a slave before the war? A Yes sir.
Q Who did you belong to? A William Penn Adair.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir, I went north to Anderson County , Kansas.
Q What year did you return? A '66.
Q You been living here ever since? A Yes sir.
Q Who did you return with? A Gilbert Vann outfit.

Examined by Attorney Mellette:

Q Where did you return to when you came back to the Cherokee Nation? A Spring Creek.
Q What district is that? A Saline.
Q Where do you live now? A In Delaware now.
Q You own property in the Cherokee Nation? A Yes sir.
Q A place? A Yes sir.
Q How long have you held that place? A About 18 years.
Q What district is that? A Delaware.
Q Did you own a place before you owned this one? A Yes sir.
Q Where did you own any other place? A On Big Creek, Cooweescoowee District.
Q When did you buy your first place after coming back here in '66? A I lived on Grand River with my father five or six years; I don't know how many years exactly.
Q When did you make your first place after coming back to the Indian Territory? A First place I improved myself was on Big Creek
Q When did youbegin that improvement? A I don't know exactly; I helped my father improve a place in Delaware; lived with him four or five years I guess.
Q You are not certain the exact length of time you lived with your father? A No sir.
Q Then you went to Big Creek and opened a place there? A Yes sir.
Q You have held property in the Cherokee Nation ever since that time? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Tobe, you come back with Sam Vann and Gilbert Vann and Lou Martin? A Yes sir.
Q There was a fight up on Horse Creek as you come along, and you were shot in that fight? A Yes sir.
Q About how many of you were in the crowd? A I don't know, 40 or 50 I guess; big crowd of us together.
Q Some of the parties were arrested and taken to Van Buren charged with this shooting weren't they? A Not as I know of.
Q Some of those Cherokees, or half-breeds, weren't they taken down there and charged with it? A Not as I know of, I never heard of them arresting any of them.
Q Where did you go to first after that fight up on Horse Creek?

A Spring Creek.
Q You went straight to Spring Creek? A Yes sir.
Q You saw Pole Roe and Cull down there? A Yes sir.
Q Where did you go from Spring Creek? A Down on the river, on the Davis place and then come back and stayed on Cabin Creek.
Q At the Island Ford? A Yes sir.
Q That's in Delaware District? A In Delaware I guess.
Q Now you located right there near Island Ford, didn't you?
A Yes sir.
Q George Clark and George Scraper and Jim Benge were living down there? A I rented from Jim Benge one year.
Q Who did you rent from first year? A Nobody; my father opened up a place.
Q What was his name? A Sandy Bean.
Q You helped Sandy Bean open up a place right there? A Yes sir.
Q You came where he was living there? A He wasn't there when I first come.
Q Where did you go to when you first came down there? A I went to Spring Creek.
Q I know, but on Island Ford, who did you live with or stay with?
A I stayed with Crap Lynch.
Q You were summonsed before the court down at Tahlequah in 1871?
A Yes sir, I guess that's the court; Mr. Daniel's, yes sir.
Q And old Judge Bob Daniels lived near you? A Yes sir.
Q Your case was taken up and passed on there and the court decided against you about five years after the treaty of 1866? A Yes, sir, and how come they do decide against me, we went down there,- he said you boys go home, I know when you come, and we went home, and after that they got up a case against us there and put us on the doubtful list.
Q But the court decided against you? A Yes sir.
Q And every court after that decided against you? A Yes I guess they did, but I returned.

Examined by Attorney Mellette:

Q Where were you after you went to the State of Kansas? A I was in Anderson County.
Q Where is that?A That's 50 miles above Ft. Scott, at Garnet.
Q You say you came back in '66, how do you know it was '66? A That's the time it was numbered and marked off and called '66; I guess it goes by that yet.
Q How many were in your party? A I don't know, 40 or 50.
Q You mentioned a man by the name of George Vann did you? A Yes sir.
Q Where is he? A He is out there somewhere.
Q Out here(indicating crowd)? A Yes sir.
Q And did Sam Vann also come with you? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Tobe what year is this? A '91 aint it?
Q 1891? A Yes sir, that's what everybody calls it, I guess that is it.

Examined by Commissioner Needles:

Q How old were you when you were up there at Garnet, Kansas?
A I was 23 years old when I first went there.
Q Did youhear up there that all you colored people must be back in the year '66 in order to have your rights? A Yes sir.
Q You heard that?A Yes sir.
Q And you came right back? A Yes sir.
Q And that is the reason the year '66 is impressed on your mind is it, because you knew at that time that you had to be back in '66?
A Yes sir.
Q Did you know the difference then between '66 and '67? A Then I knowed '67 hadn't come yet.
Q You think you got back before '67 did come? A Yes sir, I am positive I got back before '67 come.

Q I believe you stated that you were a slave? A Yes sir, I was a slave.
Q Born in the Cherokee Nation? A Yes sir.
Q Born in slavery? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q Did you come back in January of '66? A No sir, we didn't.
Q What mone of '66? A Along the first of September, or October, somewhe res along there.
Q You saw in the newspapers up there that this treaty had passed? A No; I couldn't read no papers; I just heard it; I had been a slave, and wasn't allowed to learn to read.
Q Who did you hear it from? A S ome of the neighbors up there, we had friends that would tell us.
Q You are certain you heard it? A If I hadn't heard it I wouldn't have knowed it.
Examined by Commissioner Needles:
Q It was generally talked about among you negroes up there? A Yes sir, generally talked.
Q Now when you came back in '66, was it too late to raise a crop that year? A Yes sir.
Q The first crop you raised then was in the next year was it? A Yes sir.
Examined by attorney Mellette:
Q Did you say George Vann and Sam Vann come with you? A Yes sir.
Examined by Cherokee Representative W.W.Hastings:
Q Is it this George Vann you are calling? A Yes sir.

GEORGE W. VANN, being sworn and examined, sworn by Commissioner Needles, he testified as follows:
Examined by attorney Mellette:
Q Is your name George W. Vann? A Yes sir.
Q Where do you live? A Cooweescoowee District.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Where were you during the war? A I was part of the time to Gibson and part of the time in Kansas.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know this man, Tobe Bean? A Yes sir.
Q You know where he was during the war? A Yes sir, I know where he was part of the time.
Q Did you see him in the State of Kansas? A Yes sir.
Q You know who he came back to the Indian Territory with? A Me and uncle Gilbert and several more.
Q Tobe Vann returned to the Indian Territory with you then after the war? A Yes sir.
Q What year? A Well '66 was when he come here, in the fall.
Q Fall of '66? A Yes sir.
Q Where did you settle after you came here? A Right on Spring Creek.
Q Where did he go? A In Saline, over near Spavinaw.
Q Are you on what is known as the authenticated roll of Cherokee Freedmen? A Yes sir.
Q Now have you known Tobe Bean ever since he came back to the Territory with you? A I have seen him off and on ever since that time. He married a cousin of mine; I used to go to see them once in a while my aunt and all of them lived up there.
Q Has he ever lived out of the Indian Territory so far as you know since he came back with you? A Not as I know of; he has always lived in the same place so far as I know.
Examined by Cherokee Representative, W.W.Hastings:
Q You say you came back to this country with Tobe Bax Vann after the war? A Yes sir.
Q Was you in that Horse Creek fight? A Yes sir.
Q You were along with that same crowd of people? A I was along with that same crowd.
Q Why didn't you tell that five years ago? A I did.
Q In this case? A No, I don't know as I was a witness in this case

at all.
Q Did you ever tell that in any case? A I don't know as I did; if I did it is the truth.
Q Tobe Vann Bean came along as you did? A Yes sir, got shot in the arm.
Q Was that the first time you came back here? A First time I came after the war.
Q You were along with that crowd? A Yes sir.
Q What time of the year was it? A It was in the fall, I forget whether it was September or October; it was either the last of September or the first of October.
Q You went on horseback? A We had wagons; I drove a wagon myself; we had five or six wagons, in the crowd.
Q Who else was along with you? A There was Tobe Bean, Uncle Gilbert, Jess Shaw, Eli Vann, Daniel Vann, Walker Vann, Art Bean, Joe; there was a Creek fellow; I forget his name.
Q Where did you go to yourself? A Went right on Spring Creek,- lived there.
Q Who did you live with down there? A I lived with old man Dave Roe and Napoleon and Cull; Napoleon and Cull live there yet.
Q They know when you come? A Yes sir.
Q You came right along with these people? A Yes sir.

Examined by Commissioner Needles:

Q How old are you? A I am about 50 or 51.
Q You were a slave before the war? A Yes sir.
Q Who did you belong to? A Katie Vann.
Q Tobe Bean go to Kansas with you? A No sir.
Q Came back with you? A Yes sir.

SAM VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Vann.
Q What is your post-office? A Chaffee.

Examined by attorney Mellette:

Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q You were out of the Territory during the war? A Yes sir.
Q What state? A Kansas.
Q You know this man behind you there, (pointing to applicant)? A I ought to know him; been with him pretty well all the time.
Q Where was he during the war, if he was out of the nation state where? A I couldn't say where he was; he was here in the nation part of his time.
Q Where was he the rest of the time? A In Kansas.
Q You know who he came back from Kansas with? A Yes, sir, came back with us, Uncle Gilbert and George Vann and among us.
Q You remember that he came with you do you? A Yes, sir, I remember it.
Q Where did you locate when you came back here? A On Spring Creek.
Q You came at the same time? A Yes sir.
Q How many were in your party? A I couldn't tell.
Q Was itapretty good bunch of people? A Yes sir.

Examined by Cherokee Representative W.W.Hastings:

Q What year did you come back? A Come back here in '66.
Q You are positive about that? A Yes sir, I am.
Q You remember whether you rode horseback here or in a wagon? A No, I come on a wagon.
Q Where did you come to first? A After I come to the Nation here?
A Why on Little Spring Creek.
Q Tobe go down there with you? A Yes sir.
Q Stay down there a year ot two? A I don't know how long he stayed but he stayed there quite a little while.
Q You remember that? A Yes sir.
Q You remember where all of them fellows resided that come along back with you? A Yes, awhile. Stayed with us awhile and I don't know where they went after they come up on the river.

Q You know who Tobe Bean belonged to before the war? A Washington Adair I think.
Q You remember that? A No, I just heard he belonged to him.
Q You are 19 years old on the 1880 roll; you are the fellow that enrolled here awhile ago? A Yes sir, I am the fellow.
Q You are 40 now? A Yes sir.
Q You were 19 in 1880? A That's right.

APPLICANT, TOBIAS BEAN, re-called, and further examined, By Commissioner Needles:
Q Are you married to your wife? A Yes sir.
Q Got any certificate of marriage? A No sir.
Q When were you married to her? A In '84 I believe.
Q Have you got anybody you can prove your marriage by? A Yes sir.
Q Were you married according to the laws of the Cherokee Nation? A Yes sir, according to the laws then; I was only married by the minister.
Q You didn't get any license? A No sir. Preacher is all the license we got then.

JOE BEAN, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Joe Bean.
Q You know Tobe Bean's wife, Jen? A Yes sir.
Q You know whether they are married or not? A I wasn't at the marriage; they have been living together as man and wife.
Q For how long? A 15 years.
Q They living together now as man and wife? A Yes sir.
Q Acknowledged in the community as man and wife? And neighborhood there as man and wife? A Yes sir.

Applicant, TOBIAS BEAN, re-called aexamined by Com'r Needles:
Q Tobe, who married you to Jane? A Caney Weekley.
Q Is he living? A No sir, dead.
Q About whatyear were you married? A '84.

Com'r Needles: Tobias Bean applies for the enrollment of himself and his child Arthur as Cherokee Freedmen by right, and applies for the enrollment of his wife, Jane, as an intermarried Cherokee Freedman; his name is not and the name of his wife is not found upon the authenticated roll of 1880; his name is found upon the Kerns-Clifton pay roll, and the name of his child, Arthur, is found upon said roll; he avers that the mother of said child, Arthur, was Margaret Bean, now deceased, and he makes satisfactory proof of his marriage to said Margaret Bean; by reason of the fact that his name is not upon the authenticated roll of 1880, final judgment as to the enrollment of said Tobias Bean, and his child Arthur, will be suspended and their names will be placed upon a doubtful card fo further investigation; the name of his wife, Jane Bean, will also be placed upon a doubtful card, awaiting interpretation of the law as to intermarried citizens.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this May 8,1901.

(signed) C.R.Breckinridge,
Commissioner.

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Tobias Bean et al (7)

Supplemental C.F.D-205

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 8, 1902.

Supplemental testimony in the case of Tobias Bean for enrollment as a Cherokee Freedman. The Cherokee Representative, W.W. Hastings, present, also Attorney Mellette, of Smith and Mellette, attorneys for Applicants.

William Foreman, being sworn by Commissioner, T.B.Needles, and examined by Mr.Mellette, Attorney for Applicant, testified as follows:

Q William Foreman, your name? A Yes sir.
Q Your age? A 64 past.
Q What is your citizenship? A Cherokee by blood.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know Tobe Bean? A Yes sir.
Q Do you know where he was in any part of the year of 1866? A He was on Lynch's Prairie part of '66, in Saline District.
Q In the Cherokee Nation? A Yes sir.
Q Do you know where he had come from? A He said he come from Kansas.
Q Do you know whether he was wounded at the time you saw him- have you any recollection whatever of that? A I don't know anything about that.
Q Who came there about the time he did, do you remember, of these colored people? A His brother was with him, George Bean, Jack Bean. They came there to my place where I was living on Lynch's Prairie. There might have been others, I believe uncle Steve was there.
Q Do you remember of hearing in that year, the fall of '66, of the fight that the colored people had with some one on Horse Creek? A They were talking about it, yes sir. I don't know anything about it; I heard them talking about it.
Q Did that fight, so far as your knowledge extends, have any connection with the one that Tom Knight was engaged in at one time, which took him to Van Buren to prison? A That was a separate fight altogether.
W.W.Hastings- How do you know that? A The fight that Bob was arrested in was the nigger that stole some horses from his grandfather.
Q When was that? A That was the spring of '67, I think it was.
Q Are you positive about that? A I am not positive; I think it was '67.
Q Anybody arrested for this other? A Not that I ever heard of.
Q Are you positive this other engagement took place in '66? A All that I know I moved on Gillstrap Prairie and bought a place of Bill Hutton, and I heard of the bush-whacking then.
Q You never heard about it at that time? A I heard it that fall about them having a fight up there some time in '66, Gilbert Vann and them, and when I moved over there in '67 on Lee Schrimsher's place, the people spoke to us about it being last year.
Q Tobe Bean never told you anything about it? A I don't know whether he did or not.
Q Nobody but Gilbert Vann? A They were all talking about it; I think it was in August, I moved away from there in September to Big Creek.
Q How long did you stay at Big Creek? A I never didmove my wife there; I moved my cattle and left some boys cutting hay, and when I went back my horses and cattle were stolen, and I moved back on Cabin Creek.
Q When did you move back to Cabin Creek? A The last days of September in '66.
Q You were gone two or three weeks? A Yes sir.
Q Where is the Lee Schrimsher place? A About ten or twelve

miles west of here.
Q How long did you live there? A January, '67. Lee Schrimsher moved back home and I had to give his house up.
Q Are you positive you saw Tobe Bean? A Yes sir, over on the prairie.
Q Did you have anything to specially fix it on your memory that you saw him at that time? A Nothing except that he come to my place of business; they bought some goods and things from me, and I talked with them.
Q You remember all colored people that traded with you that fall? A I remember them and white people too.
Q You are the person who testified a minute ago in Art Bean's case? A Yes sir.
Q You are the one that admitted that you charged the Robinsons $25.00 apiece, and there are five in the family? A Yes sir, I did.
Q What is your occupation now? A I told you I was always classed as a farmer.
Q You dont know that you have any occupation now? A No sir, I don't particularly. Do you know?
Q I am trying to find out from you? A I haven't got any that I know of.
Commissioner Needles- Have you a family now? A My children are all married, and I am by myself.

LOU BEAN, being sworn by Commissioner Needles, and examined by Mr. Mellette, testified as follows:
Q Lou Bean your name? A Yes sir.
Q Where do you live? A In Delaware District.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q What relation are you to Tobe Bean? A Sister-in-law.
Q Married his brother? A Yes sir.
Q When did you come back to the Cherokee Nation after the war? A '66.
Q You know when Tobe Bean came? A Yes sir.
Q When? A He come along with us.
Q Where did you go to?A Went to Spring Creek.
Q Was there a fight as you were coming down? A Yes sir.
Q Where? A On Horse Creek.
Q Anybody wounded? A Yes sir.
Q Who? A Tobe Bean.
Q Where? A In the arm.
W.W.Hastings: About what time in the year did you come along?
A In the fall.
Q About what month? A I don't know, about- I don't know whether it was September or October ; it was in the fall.
Q Had the leaves begun to fall off the trees? A Yes sir.
Q How many were along with you? A I couldn't tell you how many.
Q About how many? A I just couldn't tell you how many; there was a whole lot of us.
Q Was there as many as five hundred? A No sir, not as many as five hundred.
Q As many as fifty? A They might have been in all.
Q Men women and children? A Yes sir.
Q Did Tobe have his family along? A Yes sir.
Q Wife and children? A Yes sir.
Q Were there wagons along? A Yes sir, there were wagons.
Q How old are you? A About fifty years old.
Q What was your name before you were married? A Vann.

The undersigned,being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E.G.Rothenberger.

Tobias Bean et al (9)

Subscribed and sworn to before me this 9th day of May, 1901.
(signed)C.R.Breckinridge,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this August 1st, 1902.

Bruce E Jones
Notary Public.

[redacted]

[redacted]

[redacted]

X

File with Cherokee Freedman. D-799, Mary Bean

Department of the Interior
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob ~~Knight~~ Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him then? A No, sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th of 15th of December.
Q Of that year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed? A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you know.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand Rifer now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Wenew you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.
Q Whose place was that? A It was known as the Knight place, it was vacant though.
Q How often had you been up in that country? A Well, I can't tell you just how often I had.
Q I just want to know how often you had been up in that country?
A I had been to that place three times that year.
Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.
Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.
Q You just passed by these places in question? A Yes, sir.
Q Came right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on; is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66: how do you remember it, you didn't have to get back? A Me, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, I said, about the 10th of 15th.
Q You remember now it was the 10th of 15th of December? A Yes, sir.
Q How do you happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November,
Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it. I knew those facts though.

Q You testified to the same faxts before the Clifton Court you testify to now? A Yes, sir, as near as I can remember.
Q What do you know about it; do you think you gave the same testimony then you do now? A I do.
Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.
Q What year was it? A It was in '66.
Q You are certain of that? A Yes, sir, I let him have the whisk-e to get drunk on.
Q Well now you know it was in '66 that Mose Bean shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.
Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.
Q Didn't you go down to Dave Rowe's and tell them Mose Whitmire had shot Al Lynch? A No, sir.
Q You didn't? A No, sir.
Q You are certain of that? A Yes, I had nothing to do with it.
Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.
Q You will swear that? A Eh yes, I never carried any such news.
Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.
Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.
Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?
Q How close is it to you? A It is 20 or 25 miles.
Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.
Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.
Mr. Hastings: What official positions, if any, have you held?
A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.
Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A R. D. Knight.
Q What is your age? A 54.
Q Where do you live? A Now, I live in Vinita.
Q How long have you lived there, a number of years? A 25 years.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q Did you live in the Cherokee Nation before the war? A Yes, sir.
Q You lived in the Cherokee Nation after the war? A Yes, sir.
Q Where was the first place that you lived in the Cherokee Nation after the war? A On Horse Creek.
Q What district is that in? A Delaware district.
Q Was there any road that run by your place at that time? A The old military road, we used to call it.
Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.
Q Where were you taken? A Van Buren.
Q What were you charged with? A Killing some negroes that was passing down the road there.
Q Well, had some negroes passed your place prior to that time?
A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes. there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Beam, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Robe Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.

Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come; come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A. Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Were they some troops come from Van Buren...did they? A [illegible] they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
A I don't know anything about it.
Q You say the troops all right, did you? A I did.
Q How many? A Seemed to me like about 30 or 35.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'tknow, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1883.
Q '83? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I knkk know about the Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

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G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

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T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.
Q How old are you? A 68.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q You were born before the war? A Born in 52.
Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.
Q Did you go out of the Nation during the war? A Yes, sir.
Q To what place did you return after the war? A A place known as the Bone place on the Grand River, east of Grand River, in Delaware district.
Q How far was that from Horse Creek? A It was ten or 12 miles.
Q Do you know whether the old Knight place was on Horse Creek?
A Yes, sir.
Q How far did you live from that? A It was about ten or 12 miles I think.
Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?
Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.
Q When did you move to that place after the war, in what year?
A Sometime in February, 1866.
Q February of 1866? A Yes, sir.
Q How after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?
A Yes, sir.
Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.
Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.
Mr. Mellette: Where were you living at that time? A That I heard of this fight?
Q Yes? A On the Stand Waite place, on the west side of the Grand River.
Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.
Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.
Q Was it before Christmas or after Christmas? A I think it was after Christmas.
Q That is the time you want it to stand? A Yes, sir.
Q Where did you move from? A From the west side of the river, from the Boser place.
Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.
Q What year did you move to the Boser place? A In '66.
Q What time in the year? A I think it was in February.
Q Where did you move from? A We came from the Choctaw Nation on Red River.
Q When did you come? A I stayed a while right on the line of Missouri.
Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.
Q [illegible]
Q You haven't any mistaken? A No, sir.
Q That [illegible] such a thing as remembering dates, I suppose?
A I have something to remember by.
Q You didn't have to get back here by '66? A No, sir.
Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boser place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q An' then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boser place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hast'ngs: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

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Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289; and Fannie Hight, D-207.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the ~~22~~ 15th of August, 1901.

P. A. Porter
~~Commissioner.~~
N.P.

File with Cherokee Freedman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Mary Brown.
Q How old are you, Mrs. Brown? A I don't know my age exactly.
Q Give an idea? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.
Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some menn came to my house to stay all night.
Q Who were they? A Minch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where was that? A Somewhere on the Military road near Horse

Creek.
Q How far was that from your house? A About six miles.
Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.
Q How do you know it was in the fall of the year? A Because it was getting cold weather.
Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.
Mr. Hastings: Did you ever have any other children born? A Yes,sir.
Q When? A Different times.
Q Well, when was the next one born? A Next one, well I am not able to answer that.
Q Well, when was the next one born? A In 1870.
Q That was the second one after this one? A Yes, sir.
Q When was the third one born? A I can't tell you that.
Q Did you have any more since then? A Yes, sir.
Q How many children you got? A 13 in all.
Q Now do you know what happens in September always after your children have been born? A No, sir.
Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.
Q When were you married? A I can't tell you that.
Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.
Q Never heard of it? A No, sir.
Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.
Q You didn't know anything about the date? A I didn't know it was about the date.
Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.
Q Where do you live now? A I live at the Bowling Ferry place.
Q What is your husband's name? A Jim Brown.
Q What was your maiden name? A Mary Miller.
Q When were you married? A I told you I didn't know the date, I don't know the date.
Q And you have got thirteen children? A I have had thirteen children.
Q Now when was your second child born? A The second one was born in '63.
Q When was the third one born? A The third one was born May 26.
Q Of what year? A In 1866.
Q When was the next one born? A I don't know that.
Q Now when was the fifty one born? A He was born in 1870.
Q When was the sixth one born? A I don't know that.
Q When was the seventh one born? A I don't know that.
Q When was the eighth one born? A I don't know that.
Q When was the nineth one? A Well, I don't know that.
Q When was the tenth one? A I told you I didn't know.
Q Eleventh one? A I don't know that.
Q Twelth one? A I don't know, I can't count them, all of them.
Q Don't know? A No, sir, I am no scholar.
Q Where was Bob Knight living at that time? A I can't tell you just exactly.
Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.
Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.
Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

T. B. Needles

Commissioner.

File with Cherokee Freedman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants;

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.
Q What is your postoffice, Mr. Rowe? A Rose.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Were you out of the nation during the war? A No, sir.
Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.
Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.
Q Did you know a colored man named George W. Vann? A Yes, I know George,
Q Which George is it you know? A I know George Vann, lives on Spring Creek.
Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.
Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.
Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.
Q What knowledge have you that they were killed? A What knowledge have I?
Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw Bullet holes in them.
Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.
Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.
Q Were they colored men? A Yes, sir.
Q Who helped to bury them? A A whole lot of colored fellows buried them there.
Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.
Q How many more do you think there were besides those you mentioned?
A I don't know, I never counted them.
Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.
Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?
A Yes, Spring Creek George was there.
Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-213, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

XD299

Subscribed and sworn to before me this 28th day of May, 1952.

(Seal)

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Arthur D. Cronkhite, Notary Public in and for the County of Los Angeles, State of California.
My Commission expires June 4, 1955.

C.F.D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita,I.T.,attorneys for the applicants;
W.W.Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn,and being examined testified as follows:
BY MR.MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life. except during the war; I went south on Red river.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes sir, sometime to the best of my recollection about the last of September in 1866. That was whena young darky came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes sir, I think there was a s many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q Youwent to Texas in '66? A Yes sir, about the first of October, is my recollection, and I came back sometime in November.
Q After you came back from Texas did youhear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes sir.
BY MR.HASTINGS:
Q You don't know any of the parties engaged in it? A No sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No sir.
Q You never saw Tobe Bean at the time? A No sir.
Q You don't know what place on Horse Creek it was? A No sir.
Q That is all you know about it? A Yes sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No sir.
BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not?A No sir

I dont remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they hadashot a man in the wagon was some one of the Vann family? A Yes sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR.MELLETTE:
Q Whatis your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A Iam.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes sir.
Q What place were you? A Well I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yessir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes sir.
Q This colored man George Vann is the one I mean? A Yes sir, that was the man.
MR.HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR.MELLETTE:
Q What is your name? A S.S.Stephens.
Q Whatis your age? A I am about 64, years old, 63 or '4.
Q Are you a Cherokee by blood? A Yes sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. Thatis in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR.HASTINGS:
Q George Vann alive? A Yes sir.
BY MR.MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.
BY MR.HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.
BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for SamSmith for George Vann to kill cattle.
Q What year was that? A That was '66; I wrote the order myself, I remember making the order for more, I was elected school superintendent,-
Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.
Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.
Q What year was that? A That was in the fall of '66 as near as I can remember.
Q And you don't know the time? A Yes sir.
Q You wrote the order for George VannAFor Sam Smith for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.
Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.
Q Dig you know Tobe? A Tobe, I mean, I know hhem well.
Q Did Art and Tobe talk to you about the fight? A Yes sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.
BY MR. HASTINGS:
Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools anly among those who were actually citizens.
BY MR.MELLETTE:
Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.
Q Did you talk to them in '66? A Yes sir, I have known Art Bean ever since I was a bou; he belonged to old Washington Adair, Art Bean did.
BY MR.HASTINGS:
Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes sir.
Q You were around with us a good deal of that time? A Yes sir.
Q This case of the Horse Creek fight was at that time a burning question? A Yes sir.
Q Also a great many witnesses were introduced on both sides?
A Yes sir.
Q There was a great deal of discussion about it? A Yes sir.
Q Did you ever go on the stand and testify at that time? A Nosir.
Q Did you ever tell me , one of the representatives of the Cherokee Nation at that time, the facts you knew and now testify about?
A No sir.
Q Never told any one about it? A No sir. You requested me at Claremore to see Tip Mayes' daughter and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you

sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q And I sent you over there? A Yes sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You hadme to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes sir.
Q Well you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q He was living there? A Yes sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No sir.
Q Never was convicted? A No sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I,M.D.Green, do hereby certify that a s stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.
(signed)M.D.Green.

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Chero. C.F.D-205

R.
C.F D-213

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 3,1902.

Supplemental testimony and proceedings in the matter of the application of MEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
W.W.Hastings, attorney for Cherokee Nation.

E.J.CLAYTON, being first dult sworn, and being examined, testified as follows:

MR.HASTINGS: Q What is your name? A E.J.Clayton.
Q Whatis your age? A I was 58 years old the 22d day of February last.
Q What is your post office? A Wallertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter? A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1878, I think, I forget just now. He died there about that time, right south of me right on Enoch's place
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin , who was a blacksmith and worked there withus at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knevw anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two or more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Payton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, xk that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which.
Q Did he run away? A Yes, but they caught him and brought him back but did not appear against him, then he went away to the Cherokee Nation and I heard that he was dead. I never knew anything about him after he left there.
Q That was in 1869? A Yes sir.
Q Did you know him continuously from 1867 to 1869? A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Peyt's wife? A Yes sir.
Q Did you know who he married? A A girl by the name of Hannah Shoals.

Q Do you know a brother of Oneatie Martin's, Jack Bean? A Yes sir, I know him too.
Q When did you first know him? A It could not have been later than the middle of September, 1867.
Q How lon g did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867? A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean.
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thouhht.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him? A He never paid me for a pistol that I brought out of the war.
I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.
MR.MELIETTE: What is your name? A E.J.Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation? A I don't know whether he is an applicant f for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear thatit was the Tobe Bean you know? A Yes sir, the brother of Oneadie Martin.
Q When did you know him first? A He was there around the shop all the winter of 1867, pretty much.
Q The winter of 1866 and 1867, youmean? A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she come to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
Q Where was Oneadie Martin in 1867? A Lived on Roach's place, right south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866.
Q When did you move to Kansas? A Moved in 1867.
Q Was Neadie Martin in Kansas when you come there? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago was it been? Q Since 1867? A Thirty-three or -four years.
Q When were you first asked to remember back that far as to these people? A Never asked to remember back to these people.
Q When were you first talked to about being a witnessin this case?
A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
Q When were you first asked anything about any of these colored people up there, when you first knew them? A When were you first

talked to about being a witness in any of these cases? A A week or two ago I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you? A Yes, and a whole slough more of them that live there.
Q Why do you remember their names so distinctly, A They worked for me. This Headie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from Cherokee line? A About 75 miles.
Q You are positive, as positive as you are of anything in thiscase that Tobe Bean was in Kansas in 1867, are you?
Q I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a premanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too? A Yes sir, I think he left there in 1868, or 1869, That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9? A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr.Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-412,D-390, D-205, D-289, D-656, D-657, D-658, D-911, D-940, D-304, D-313, and in the case at bar.

I,Wm.Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm.Hutchinson.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly made the above copy and that the same is a true and complete copy of the orignal.

(signed) E.G.Rothenberger?

Subscribed and sworn to before me this 14th day of April,1902.

(signed)Philip G. Reuter,
Notary Public.

(seal)

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Tobias Bean et al 8

F. D-205

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15,1902.

In the matter of the application of Tobias Bean et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-205

Cherokee Nation represented by W.W.Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the applicant, Mellette & Smith, Vinita, Indian Territory, that it would, at Muskogee, Indian Territory, on the 15th day of May,1902, introduce testimony tending to disprove the right of the said Tobias Bean and others to be enrolled as Cherokee Freedmen. The applicant and his attorneys have this day been called and fail to respond either in person or by attorney.

GEORGE A. CAMPBELL, being first duly sworn,testified as follows:

MR.HASTINGS: What is your name? A George A. Campbell.
Q What is your age? A 55 years.
Q Your postoffice is Garnett, Kansas? A Garnett, Kansas.
Q Did you live there before the war? A Yes, sir.
Q Did you live there for the first few years after the war? A Yes, sir.
Q Did you know a colored man by the name of Tobe Bean? A Yes,sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Sandy we called him, I don't know whether that was his proper name or not, that's what he went by.
Q Did he have any brothers? A Yes, sir.
Q Name them? A Well I can't name them all.
Q Well those that you remember? A There was Tobe and George, I can't name them, there was six orseven of them.
Q Well where did they live when you knew them? A They lived a part of the time on Judge Sprigg's place and part of the time on Bill Springer's place, and Springer's place is about three-quarters of a mile from where I live, and Sprigg's place is about three miles, but in '68 they lived on Bill Springer' s place.
Q These Beans? A Yes, sir, just right near to me, three-quarters of a mile from where we lived.
Q Why do you fix the date of '68? A Well because I remember that is the year I married in, and I know they lived in there.
Q What was the exact date of your marriage? A The 8th day of March.
Q Of '68? A Yes, sir.
Q You know that Tobe had a number of other brothers whose names you don't remember? A Yes, sir, I don't remember the names.
Q Do you know whether one was named Art? A Yes, sir, there was an Art and there was a George.
Q Was there a John? A Well I ain't sure, but I tell you I worked with them, and they worked for my pa you know a good deal and I was right with them youknow, but I know they was there, paid them on Saturday nights, you know, and I know they lived there, they worked for my pa a good deal for a while, a good deal of help done you know.
Q You know they were living there as late as '68? A Yes, sir. I know they were living there.

COMMISSION: When did you first meet them, Mr. Campbell? A Well right away after the war, along in '65, let me see, I was discharged the 18th day of August,1865, and I think theywas there when I went home.
Q Are you positive that they were there when you went home? A Yes, sir, theywere, yes, sir, lived on Judge Sprigg's place, that was in

about three miles of us.
Q And they continued to live there in '68? A Well they lived over there on Springer's place about three-quarters of a mile from us along in a year or two, they lived up on Springer's, and then they moved to Sprigg's place, and they left Springer's place and come south to the Territory.
Q You don't know whether or not they had ever been south during that time before? A Well I think not, not that I know of,
Q Do you know whether they had or not? A No, I think not.
Q You are not sure about it? A No, but then I am pretty positive they wasn't.

Arthur G.Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 19th day of May, 1902.
(signed) P.G.Reuter,
Notary Public.

(seal)

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F. D-205

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19,1902.

In the matter of the application of Tobias Bean for the enrollment of himself and others as Cherokee freedmen.
SUPPLEMENTAL TO D- 205.

APPEARANCES:
Mellette & Smith for applicants.
W.W.Hastings for Cherokee Nation.

MR.HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as found of record in a book taken from the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," said entry being further taken from Saline District, doubtful colored roll, No.68, as follows:

"Tobe Bean.
Decided against claimant June 8,1871."

The Cherokee Nation offers this in evidence for the purpose of showing that within five years after the treaty of 1866 that a court of competent jurisdiction heard the application of Tobe Bean to be enrolled under the provisions of the treaty of 1866, when at that time hundreds of witnesses were alive and available who could be gotten to appear before the Court to testify as to the time of the return of the applicant, and after all that testimony was introduced the court determined that the applicant, Tobe Bean, was not a citizen of the Cherokee Nation.

MR.SMITH: The counsel for the applicant objects to the offer of the above testimony for the reasons, first, that it does not appear from the matter offered that any trial was ever had or even that the Tobe Bean mentioned in said entry was ever before the court or that a simple step prerequisite to the rendition of a valid judgment was ever had, and because the testimony as herein offered is incompetent, irrelevant and immaterial, and does not tend

to prove any issue in this case, and because there is no showing that the Tobe Bean mentioned in the entry offered is identical with the applicant Tobe Bean, and because it does not appear that he was a party to said proceeding, and further because it is incompetent to prove that record of the Cherokee Nation in the manner and form herein sought to be used.

Arthur G.Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Arthur G.Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(signed)P.G.Reuter,

(seal) Notary Public.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this August 1st, 1902.

Bruce C Jones

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Bean, D 299;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Bean for enrollment as a Cherokee Freedman, consolidating the applications of

Lucy Bean----------Cherokee Freedmen D 290,
Mary Bean et al.----------Cherokee Freedmen D 299.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Lucy Bean, for herself, and by Mary Bean, for herself and minor children, William and Samuel Bean. All the evidence taken in the case of Tobias Bean, Cherokee Freedmen D 205, is filed with and made a part of the record herein.

The evidence shows that all of the applicants herein have been born since 1866 and are descendants of and claim right to enrollment through George Bean and his wife, Bettie Bean.

The evidence further shows that the said George Bean and wife, Bettie Bean, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that, during said war, they left the Cherokee Nation and did not return thereto until after January 19, 1867.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lucy Bean, Mary Bean, William Bean and Samuel Bean, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
this ~~JUL 10 1903~~

JAN 18 1904

FD.799

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Bean,
Chaffee, I.T.
Cherokee F-D-209
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-299.

Muskogee, Indian Territory, January 19, 1904.

Mary Bean,

Chaffee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, William and Samuel Bean, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-59.

Register.

Cherokee Freedmen
D-290 D-299.

Muskogee, Indian Territory, January 19, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Lucy Bean et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean for enrollment as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-62.

COPY.

Cherokee Freedmen
D-290 D-299.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-61

Commissioner in Charge.

Cherokee Freedmen
D-290 D-299.

Muskogee, Indian Territory, January 19, 1904.

Edwar Smith,

Attorney for Lucy Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-60.

Register.

Refer in reply to
the following:
Land.
5519-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized tribes in the matter of the application of Lucy Bean for the enrollment of herself, and of Mary Bean for the enrollment of herself and her minor children, William and Samuel Bean, as Cherokee freedmen, citizens of the Cherokee nation.

On January 18, 1904, the Commission rendered a decision in this case, in which it appears that all of the evidence taken in the case of Tobias Bean is filed with, and made a part of, the record. The Commission further finds from the evidence that all of the applicants have been born since 1866, and are descendants of, and claim right of enrollment through, George Bean and his wife, Bettie Bean. The Commission further finds frm the evidence that the said George and Bettie Bean were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee nation and did not return there-

to until after January 19, 1867, and that none of the names of said applicants are found on the 1880 authenticated roll of the Cherokee nation; by reason of which facts and findings the Commission is of the opinion thatthese parties are not entitled to enrollment and that their applications should be denied under the provisions of section 21, of the act of Congress approved June 28, 1898 (30 Stats. 495).

I have examined the testimony submitted in behalf of the claim of these applicants, and am also of the opinion that they do not make out their claim and are not entitled to be enrolled as Cherokee freedmen, citizens of the Cherokee nation. I therefore recommend that said decision of the Commission be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WCB-Wa

(C O P Y)

D.C.13486. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. THE

I.T.D. 2092-1904. April 23, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the applications for enrollment as Cherokee Freedmen of Lucy Bean (D-290 and D-299), for herself, and of Mary Bean for herself and her minor children, William and Samuel Bean, including your decision of January 18, 1904, denying said applications.

Reporting in the matter March 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-266, et al.

COPY

Muskogee, Indian Territory, March 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes, adverse to the applicants in the Cherokee freedmen enrollment case of Lucy Bean, et al., is rescinded, the decision of the Commission reversed, and this office authorized to enroll said applicants as Cherokee freedmen.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. S-83

COPY.

Cherokee Freedmen

R-266, et al.

Muskogee, Indian Territory, March 24, 1906.

Blue & Bulger,

Attorneys for Lucy Bean, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicants in the Cherokee freedmen enrollment case of Lucy Bean, et al., is rescinded, the decision of the Commission reversed, and this office authorized to enroll said applicants as Cherokee freedmen.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

[redacted]

Tams Bixby

Acting Commissioner.

Incl. S-82

Cherokee Freedmen

R-267.

COPY.

Muskogee, Indian Territory, March 24, 1906.

Mary Bean,

Chaffee, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of March 16, 1906, in which the decision of the Secretary of the Interior of April 23, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to, among others, yourself and minor children, William and Samuel Bean, is rescinded, the decision of the Commission reversed, and this office authorized to enroll you and your said minor children.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED)

Acting Commissioner.

LS

Cherokee Freedmen
D-290 & D-299.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-290 & D-299.

Muskogee, Indian Territory, May 6, 1904.

Edgar Smith,

Attorney for Lucy Bean et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Lucy Bean et al., rejecting the applications for the enrollment of Lucy, Mary, William and Samuel Bean as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-299.

Muskogee, Indian Territory, May 6, 1904.

Mary Bean,

Chaffee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, William and Samuel Bean, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

COPY

D. C. 56574-1905.
I.T.D. 2092-1904.
16740-1905.

Y.P.
FHE.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

December 15, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

You are advised that a motion for review has been filed with the Department in the Cherokee freedman case of Lucy Bean, et al. SeeDepartmental letter of April 23, 1904.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner

of Indian Affairs.

D. C. 10758-1906
I.T.D. 2092-1904.
8815, 16740, 17800-1905
84-1906
L R S

Y.P.
FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON.

March 16, 1906

The Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review in the Cherokee freedman case of Lucy Bean, Mary Bean and her children, William and Samuel Bean, of which you were advised December 15, 1905.

January 2, 1906, the Indian Office submitted a protest by the nation against the reopening of this case.

April 23, 1904, the Department, following the recommendation of the Indian Office, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants.

The record in the case of Tobias Bean and Arthur Bean is a part of the record in this case. In the Tobias Bean case the Commission to the Five Civilized Tribes, the Indian Office and the Department, in its letter of August 27, 1904, found in favor of the claimants.

It is contended in the motion for review that the evidence shows that George Bean returned to the Cherokee Nation in 1866 with Tobias Bean and other persons of the Bean family, and was in what is known as the "Horse Creek Fight", which the Department

held, in the Tobias Bean case, occurred in the fall of 1866.

It is concluded that if the applicants in the Tobias Bean case are entitled to enrollment, the applicants in the case under consideration are also entitled, and accordingly, the decision of April 23, 1904, is rescinded, the decision of the Commission adverse to the claimants is reversed, and you are authorized to enroll the applicants.

This action disposes of a motion for review filed September 7, 1905, by the same attorneys who filed a motion of which you were advised December 15, 1905.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary.

REGISTRY RECEIPT.

FT. GIBSON, I. T.
SEP 13 1901

Post Office at

Registered Letter / No. Rec'd , 190

of

addressed to

Hubbard Ross. P. M.

, P. M.

Cher Fr 1503

Cher Fr 1503

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elias Downing, et al., as Cherokee Freedmen, consolidating the applications of

Elias Downing et al., Cherokee Freedmen D-245,
Elizabeth Jones, et al., Cherokee Freedmen D-246,
Johnson Downing, Cherokee Freedmen D-308.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself, and her two minor children, Flora and Rosether Jones; that subsequent to the date of the last-named application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arrilous Jones; by Johnson Downing for himself. A copy of the testimony of Sarah Ann Martin in Cherokee Freedmen D-239, and of Aaron Martin in Cherokee Freedmen D-238, taken at Vinita, Indian Territory, May 10, 1901, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Elias Downing was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation; that Mary E. Downing, wife of said Elias Downing, was born during the rebellion, and is the daughter of one Sarah A. Martin. The Commission have heretofore found, in the case of Sarah A. Martin, Cherokee Freedmen D-239, that she was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she removed to the State of Kansas, and returned to the Cherokee Nation within the time specified in the said decree of the Court of Claims, Supra.

The evidence herein shows that the applicant, Mary E. Downing, returned to the Cherokee Nation with her said mother; that Mary L. Downing was born since 1866 and is the daughter of the said Elias Downing and his wife, Mary E. Downing, and claims the right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866, and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father, the said Elias Downing,

their mother not possessing any rights as a Cherokee Freedman; that the applicants, Flora, Rosether and Arrilous Jones are the minor children of the said Elizabeth Jones, and possess no rights to enrollment except through their said mother.

It further appears from the evidence herein that the said Mary E. Downing has lived continuously in the Cherokee Nation since her return thereto in 1866, and that the said Mary L. Downing has resided continuously therein since her birth.

It further appears that the names of none of the applicants herein appear upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Mary E. Downing and Mary L. Downing should be enrolled as Cherokee freedmen and that the applications for the enrollment of Elias Downing, Elizabeth Jones, Flora Jones, Rosether Jones, Arrilous Jones and Johnson Downing as Cherokee freedmen should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby.
Chairman.

(Signed) T. B. Needles.
Commissioner.

(Signed) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
DEC 1 1904

Land.
2224-1905.
10111-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself and her three minor children, Flora, Rosether and Arrilous Jones; and by Johnson Downing for himself.

December 16, 1904, the Commission decided favorably to Mary E. Downing and Mary L. Downing and adversely to all the others.

The record shows that Elias Downing was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that Mary E. Downing wife of Elias Downing was born during the rebellion and is the daughter of one Sarah A. Martin who was the slave of a Cherokee citizen at the beginning of the war; that during the war she went out of the Cherokee Nation and returned to said Nation prior to February 11, 1867, and that her child Mary E. Downing, returned with her; that Mary L. Downing was born since 1866 and is the daughter of Elias Downing and

his wife, Mary E. Downing and claims right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866 and are the children of Elias Downing and Phoebe Downing and claim their right th enrollment through their father the said Elias Downing, their mother possessing no rights to enrollment; that the applicants, Flora, Rosether and Arrilous Jones are minor children of Elizabeth Jones and possess no rights to enrollment except through their mother. It further appears that Mary E. Downing and Mary L. Downing have lived continuously in the Cherokee Nation since 1866 and since birth respectively.

None of the names of the applicants are found on the 1880 authenticated Cherokee Roll.

There is also enclosed a motion by Blue and Bulger, attorneys for the applicants that the decision of the Commission be reversed which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Mary E. Downing and Mary L. Downing and adverse to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

COPY

Land.
97397-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of November 21, 1905, I.T.D. 2686, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated December 2, 1905, saying that the name of Sarah A. Martin appears upon a partial roll of Cherokee freedmen approved by the Department November 16, 1904, at No. 3738.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

CAW-GH.

2 Enc.

COPY Y.P.
FHE

D. C. 10945-1906.
I.T.D. 2686-1905.
17856- "
8523_ "
8345- "

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 19, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 16, 1905, the Indian Office (Land 2224-05), submitted the Cherokee freedman case of Elias Downing, for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; of Elizabeth Jones for herself and her three minor children, Flora, Rosether and Arrilous Jones; and of Johnson Downing for himself, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Mary E. Downing and Mary L. Downing, and adverse to the other claimants, be affirmed.

November 21, 1905, you were advised of the filing of a motion for "review" by the claimants. In the motion it is also requested, if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing, the attorneys making the motion apparently overlooking the fact that the decision of the Commission was in favor of two of the applicants.

In support of the motion certain affidavits are filed which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall

of 1866. It is claimed by Elias Downing that he came to the Cherokee wation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874.

The Department does not feel warranted in ordering a rehearing upon the showing made; however, on January 15, 1906, it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases.

The motions are all denied, and the decision of the Commission to the Five Civilized Tribes as to Mary E. Downing and Mary L. Downing is affirmed.

In view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing. The attorneys have been advised hereof.

A copy of the Indian Office letter of March 16, 1905, is inclosed, and also a copy of its letter of December 20, 1905, submitting your letter of December 2, 1905, relative to Sarah A. Martin.

Respectfully,

Thos. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
2 inclosures.

Cherokee Freedmen COPY.

D-245.

Muskogee, Indian Territory, April 6, 1906.

A. S. McRea,

Attorney for Elias Downing, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 19, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully, (SIGNED).

Wm O Beall

Acting Commissioner.

Incl. S-10

Cherokee Freedmen

COPY.

D-245.

Muskogee, Indian Territory, April 6, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 19, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Jno. C. Bell

Acting Commissioner.

Incl. S-11

Cherokee Freedmen

COPY.

D-245.

Muskogee, Indian Territory, April 6, 1906.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the ap-lication for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 19, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tams Bixby

Acting Commissioner.

Incl. S-19

Cherokee Freedmen

D-245.

COPY.

Muskogee, Indian Territory, April 6, 1906.

Mary E. Downing,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1904, granting the application for the enrollment of yourself and child, Mary L. Downing, was affirmed by the Secretary of the Interior on March 19, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED)

Acting Commissioner.

LS

Cherokee F 1503.

Mary E. Downing, et al.

For original record see

Cherokee F D 245.

Cher Fr 1504
Trans. from Cher Fr D929

Cher Fr 1504

DEPT. OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 18 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOWATA, I.T., JUNE 28th, 1901.

In the matter of the application of William Webber for the enrollment of his cousin, RUSSELL HENDERSON, as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs Mellette & Smith for Applicant.
Mr. W. W. Hastings for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Whom do you apply for now? A Rus Henderson.
Q How old is he? A About 30 years of age.
Q What is his post office address? A It was Lenapah before he was taken up, he is in jail at Muskogee charged with murder.
Q What district? A Coowescoowee.
Q What is the reason he is at Muskogee? A Incarcerated.

BY MR. HASTINGS:

Q Has he got a family? A He has got a wife and child.

BY COM'R NEEDLES:

Q Do you want to enroll them? A No, sir.
Q You say the reason he does not apply in person is that he is incarcerated in prison and is not able? A Yes, sir.
Q What is his father's name? A Ed Henderson.
Q Is his father living? A No I think he is dead.
Q What was his mother's name? A Rachel Webber, she is dead now.
Q Is Rus Henderson on the roll of 1880? A I could not tell you.
Q Is his name on any of the rolls of the Cherokee Nation?
A I can't say.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Russell Henderson not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 187, #23434, Russell Henderson, n o district given.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

BY MR. SMITH:

Q Mr. Webber, do you know Rus Henderson for whom you apply?
A Yes, sir.
Q How long have you known him? A I have knowed him for about twenty years.
Q Did you know his mother? A Yes, sir.
Q Who is his mother? A Rachel Webber is her name.
Q Rachel Webber? A That is the name she bore at the time she died; that is the name she went by I suppose her right name would be Henderson.
Q Was he married to a man named Henderson? A Yes, sir.
Q Well, do you know whether Rachel was a slave or not?
A Yes, sir.
Q To whom did she belong? A Robert Webber and after her daughter died he give her over to his daughter Robert Webber.
Q Whose daughter? A Robert Webber's.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Where was Rachel Webber before the war? A Here in the Nation.
Q Did she go out? A Yes, sir.
Q When did she come back? A She came back with us, in the same crowd; she was the youngest Aunt of mine.
Q How long did she stay with you after you came back to the Cherokee Nation? A She didn't stay very long, she was single and she worked around and finally got scattered and I could not tell you.
Q You can't state about how long you all stayed together before she went off to work? A Not long.

went off to work? A Not long.
Q Was she single at the time she left you? A Yes, sir.
Q Do you know where she went to work? A No, sir, I could not saw where she went.
Q Do you know where Rus was born? A No, sir; I could not say.
Q Well, how long has Rus been in jail at Muskogee?
A Been there a little over a year.
Q Where was he living before he was placed in jail? A Living up here by Lanapah.
Q How far from Lenapah? A About three or four miles.
Q How long had he been living there? A A little better than a year.
Q Where had he been living before he moved there? A Lived with me three years before he married.
Q When did his mother die? A I don't know, I wasn't at her death; I could not tell you just the time; sometime before he come to live with me.
Q Do you know where she died? A I think she died at Dave French's on the Verdigris.
Q In the Cherokee Nation? A Yes, sir.

BY MR. HASTINGS:

Q How long after you came down here until Rus' mother married?
A I don't know just when she did marry; she was away from us.
Q Do you know where she married? A No, sir, her witnesses would know better than I do.
Q Who are her witnesses? A Sam Webber is a witness; and George Meigs he was living in their neighborhood.
Q They know more about that? A Yes, sir; when she went away from us I didn't stay with the family much.
Q She lived with you on Spring Creek after the war? A Yes, sir.
Q Up to that time she had no children? A No, sir.
Q Never been married? A No, sir.
Q Was she your mother's sister? A Yes, sir.

SAM WEBBER? BEING duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Sam Webber.
Q How old are you? A About 68.
Q Where do you live? A About two miles west of here.
Q West of Nowata? A Yes, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Rus Henderson? A Yes, sir.
Q When did you last him? A I saw him a week before last down here to Wagoner.
Q What was the circumstance of your seeing him in Wagoner?
A He was a prisoner.
Q Did you know who his mother was? A Rachel Webber.
Q Did you know who his father was? A I didn't know his father, didn't know him to be his father.
Q Who was he? A Henderson.
Q Do you know whether Rus Henderon's mother, Rachel was ever a slave or not? A Yes, sir.
Q To whom did she belong? A Robert Webber.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation? A Yes, sir.
Q Where was he living at the time the war commenced?
A Tahlequah, on Caney.
Q And where was Rachel at that time? A She was down there to.
Q Do you know when Rachel came back to the Cherokee Nation after the war? A She come with this crowd, French and them, with French and William Webber here.
Q Well, William Webber and who else was along? A His mother, her sister and their sister, was Lucinda French and sister of Rachel Webber?

Q The Henderson? A Yes, sir.
Q Where did you s ee Rachel and when first after the war?
A The first t ri p we came to the Nation and she went back and come with her sister and them.
Q She came with you? A Rachel, about the first of July or August that I landed on Gib Creek she was with her.
Q When? A '66.
Q Big Creek, Cherokee Nation? A Yes, sir.
Q Now, you say when you went back did she come with you?
A No, sir.
Q How did she get back? A I met her with French and them with this boy and them on Horse Creek; she come with William and her sister, Cinda and Linda and them.
Q What relation was Lucinda to Rachel? A they was; do y ou mean Cinda French?
Q Yes, sir? A Yes, sir; sisters.
Q Do you know whether Rachel was ever enrolled on the 1880 ro ll o r not? A I don't know.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation exam ined and name of app licant's mother not found thereon.

BY MR. HASTINGS:
Q Who was Rus Henderson's father? A His name was Ed Henderson they tell me.
Q Did y ou know that they were married? A No, sir; I don't know for certain who is the father of this child, only what she said.
Q Well, when did you next see her after y ou said you saw her up here on Horse Creek? A I saw her at Uncle Billy Foreman's on Big Creek.
Q How long after that? A I don't know.
Q Well, about how many years? A It has been three or four years.
Q Was Rus born when you next saw her? A No, sir, he was born at Uncl Billy's.
Q Has Rus ever been out to Kansas any? A Not as I ever knowed of.
Q Well, has she since he was born? A Not as I know of.
Q How far did she live from you after he was born?
A Wel,, from there to French's on Cedar Creek, and the next time I saw her was across the river at Lenapah and the next time I saw her at Nowata, she died here.
Q When did she die? A She died at the big Delaware payment, and she sent for her son, Rus, to come over here and after that he was about here.
Q Did she ever live here and have a separated home or not?
A I don't know whether that was her home there at Lenapah, I saw her there in the house, keeping house.
Q Did she occupy a house with Henderson's father? A I don't know.
Q Did you ever know him? A I have seen him.
Q Where did he die? A I cou ld not tell you where he lived.

COK'R MEEDLES: William Webber applies for the enrollment of his cousin, Russell Henderson and he avers that said Russell Henderson is now incarcerated in prison so that he cannot be present in person. The name of Russell Henderson cannot be found upon the authenticated roll of 1880, the c ensus roll of 1896 or Kern-Clifton roll, but is identified upon the Wallace roll. He avers that he is a child of Rachel Webber, and a si s ter of Lucinda Webber, the mother of applicant, William Webber. He is duly identified and makes satisfactory proof as to residence. The attorney for the applicant asks that the testimony taken in the matter of the enrollment of William Webber, who is listed for enrollment upon doubtful card #928; said testimony will

be made a part of the record in the case a bat and copy thereof wiled herewith. The said Russell Henderson will now be listed for enrollment as a Cherokee Freedman upon a doubt ful card.

---oooOOOooo----

J: O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he corre tlh recorded the testimony and proceedings in thi s case, an d that the foregoing is a t rue and complete transcript of his stenographic notes thereof.

J O Rosson

subscribed and sworn to before me this 16th day of July , 1901.

Commissioner.

B 39a29

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901

Post Office Lenapah I.T.

District Coo

1. Name Frank Henderson Age 60

Citizenship

Owner's name

Year Wallace Page 187 No. 3434 District

Parents:

Father Ed Henderson — dead Citizenship

Mother Rachel Meeker — dead Citizenship

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Doubtful

Application made by Wm. Wilson Stenographer A. Posson

I. Sw Prain at Muskogee

Doubtful

Represented by Mellette and Smith.

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 12 1961

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Mollette C. Smith

Cher Cherokee Freedmen #

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1899

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 3 1901

CHAIRMAN

To be filed with case of Russell Henderson, C. F. D.#929.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 28th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.
By Mr. Smith: Mr. Webber, where do you live?n A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Wa s Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee nation? A Yes, sir.
Q Where did he live? A Lived in Flint district, at Webbers's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returnedin 1866.
Q What time in 1866? A Along about he middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?
A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you bee living since '74? A Right there where I am now.
By Mr. Hastings: Who returned with you af ter the war?
A My mother and all her children and step-father.
Q Dave French? A Yes, sir.
Q He is the man that brought you down? A Yes, sir.
Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes, sir.
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you stop at Timbered Hill? A I don't remember; about a month.
Q Anybody living up there at that time? A (I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made next stop on Pryor's Creek.

Q About what time of the year was that. A Along latter part of the summer or fall.
Q How many wagons did you have? A We only had one of our own.
Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '63.
Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaking backwards and forwards and went by myself.
Q How long had he been with your mother and family before you come down here? A He was up there off and on.
Q How long had you been with the fam ily? A About three years I stayedup there.
Q Was he up there during that time? A He was up there backwards and forwards.
Q How long had he been there immediately before he came down here? A He was backwards and forwards down here in the Territory.
Q Now, where did you go to when you come down here after you left Timbered Hill? A Went to Pryor's Creek.
Q At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Camped on the creek.
Q Dave French was along with you? A No, sir, he was not with us at that time.
Q Where had he left you? A I don't remember him being there at the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he?
A Yes, sir, but he had another wagon and some other folks.
Q Do you remember who they were? A No, sir.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.
Q You came through Chetopa as you come down? A Yes, sir.
Q wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seen, had the name a d just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It has the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have goods for sale there? A I don't think there was a family living in the house at that tike.
Q Where dd you settle down and live here? A We stayed on Spring creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you came back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horse-racing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations? A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A N ,sir, just in town.
Q What time of the year; how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down to Ft. Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn,t coo king there at that hotel, Polly Nivens?
A I didn't see her.

Q How lond did you see L. D. around down there? A I saw him there in '63.
Q I mean this last time after you come back? A I saw him there several times around there.
Q When did you see Sam Webber first after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going North.
Q You didn't introduce either Sam Webber or L. D. Daniels before, did you? A No, sir, used French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I marriedup there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:
Q State your name. A Sam Webber.
Q How old are you A About 58.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, William Webber? A yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a citizen of the Cherokee Nation? A yes, sir.
Q Where was he living when the war commenced? A Little creek ca led Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time? A living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.
Q Did you see him once or more than once there? A Only once there
Q When did you see him next afer that? A I saw him; it was either a year or two yearsafter that down on Pryor's Creek.
Q Where is he living now? A I was never at his house, he tells me he lives out west of here.
BY MR. HASTINGS: You don't remember seeing him on Horse creek five years ago, did you, Sam? A I wasn't his witness, I would have remember it if I had been his witness.
Q You are the man that went down to Fort Gibson in 1865?
A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some womanand come up here and spent the winter of '65 and '6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.
Q You had been down here when you met this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
A Yes. A The crowd that built over there on the creek.
Q What time of the year was it? A Along in August, some time in the latterpart as well as I can remember.
Q you met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Andy Webber.
Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.

Q Who else? A His mother.
Q Who else? A Man by the name of Dave French.
Q Well, was anybody else along? A His Aunts.
Q What were their names? A Rachel and one Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber? A Yes, sir.
Q That was all that was in that crowe? A His sisters, his siter.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them n the wagons? A Stopped and talked to him.
Q How long did you stop? A Might have stopped an hour or so..
Q How many wagons did they ha e? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:
Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A I have been knowinghim a good while.
Q Did you know him before the war? A No, I got acuquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once of more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him we was on the race track and I met him with Rube Still on the race track.
Q When did you next see him after that? A I think it was in '72.
Q Where did you see him then? A At Timbered Hill, with Ruve Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q H w far does he live from you? A Aboit 18 miles I guess.
Q How long has he been living there? A About 25 years or more.
Q Who was his mother? A Cinda Webber.
BY MR. HASTINGS: You never saw him before the war? A Not of my knowledge.
Q How old washe when you saw hi about Fort Gibson.
Q I don't kn ow, looked like a young man.
Q About grrown? A A young man.
Q By himself? A Yes, sir, he was with Rube Still on the rice tract.
Q That was the first time you ever saw him? A Yes, sir.
Q Big Crowd of people there? A Yes, sir.
Q And for 35 years you have retained it in your meory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago?
A Yes, sir.
Q Were you issuing rations at that time? A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several times.
Q He stayed with Rube Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled: BY MR. SMITH;
Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards it never could be found.
Q What was your mother's name? A Lucinda Webber, and she married French and went by his name.

Q Do you know whether Lucinda French's name is on that '80 roll or not? A Yes, sir, I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she? A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did"
Q Now, you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband? A Dave French.
Q David French? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Chero kee Nation esamined and name of applicant's mother found thereon page 106, #1192, Linda French, Cooweeso owee district.

Q Now, where were you living in 1880? A I was living right where I am now.
Q Did you know another Lindaor Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda Webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You live now in Cooweescoowee dis trict? A Yes, sir, I do.

L. D. DANIELS, recalled: BY MR. SMITH:
Q Mr. Daniels, what did you say the name of this applicant, Willaim We bber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Web er?
A Not that I know of.
Q Di you know who she was married to? A French.
Q Well did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not? A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your o3n knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.
BY MR: HASTINGS: Where did this man living then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mother's every once in a while.
Q Wjo was he working for? A For Delawares he told me.
Q Where did yo? see him? A At Gooseneck bend, below Gooseneck bend.
Q What time of the year? A In the Spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: By Mr. Smith:
Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you ifyou ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A He and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the

Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COM'R NEEDLES: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooint you? A I don't think there was, not as I know of, I never heard of any.
BY MR. HASTINGS: Your mother married Dave French who was a recognized citizen? A Yes, sir.
Q She was living with him in 1880? A yes, sir.
Q And he did the enrolling for his family? A Yes, sir, guess so.
BY COM'R NEEDLES: Is your name on any of the rolls of the Cherokee Nation? A On the Wallace roll and Clifton roll.
By Mr. Smith: How old were you when you came back here after the war? A I don,t remember, I was about 16 years old I reckon.
Q When ou came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated roll and 1896 Census roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 168, #4664, William Webber, Coowescoowee district.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber, Coowescoowee district; "Child of Linda French, #-5, Coowescoowee district.

COM'R NEEDLES: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. e cannot be identified upon the authenticated roll of 188(or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman butbecause of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokeefreedman upon a doubtful card.

---oooOOOooo---

J. O. Rosson, being duly sworn, says that as stenographer to The Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this the 31st of August, 1901.

Commissioner.

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I, J. O. Jordan, do hereby certify upon my official oath as aforesaid that I am duly qualified to act as Notary Public and that the within and foregoing instrument was produced to me by the parties therein named and acknowledged by them to be their act and deed, and that I have recorded the same in my office in Book 3 at page 1 thereof.

Witness my hand and official seal this 2nd day of March, A. D. 1925.

J. O. Jordan
Notary Public

My commission expires June 8th, 1926.

Supl.-C.F.D.#929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of RUSSELL HENDERSON as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita?I.T., Attys. for applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '63.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes, sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she every marry? A She married a man by the name of Ed. Henderson.
Q How long did she live with him? A I don't know how long she lived with him; she had two children.
Q You don't remember the names of those children? A No, sir; I just know of them and that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I went there, the only barber there was in the town
Q Did he move away from there? A No, sir; he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes, sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes, sir, I have seen her passing around.
Q You know of her marrying Ed Henderson? A Yes, sir; havint those babies, two of them, and know of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When i they separated? A Yes, sir.

MR. MELLETTE:

Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q How do you knot that? A Because I know that she was married to Ed Henderson in the seventies.
Q Now, what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? A (No response.)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday; now then it has been 30 years since you first saw her hasn't it? A No, sir, it hasn't been 30 years, I don't think.
Q How long has it been since you saw her? A I saw her in '75 or '6, somethere along there.
Q M

Q Now, which was it '75 or '76? A Well, it was either one or the other.
Q Now, you don't know which one, do you? A No, sir.
Q That has been 25 years ago; is there any particular reason you had to know this woman? A No, sir; only I read in the papers of the separation.
Q She was a colored woman? A Yes, sir.
Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No, sir.
Q Where was she in the year '67? A I don't know.
Q Do you remember of seeing her in that year? A No.
Q Where was she in the year '66? A I don't know where she was; she was there though.
Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
Q Well, now, the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there? A Yes, sir; I mean that they were there and lived there and had their residence there.
Q You don't pretend to say that this woman didn't come down to the Cherokee Nation during that time, do you? A No, sir.
Q You don't know what she did do; you said a while ago you saw her passing and repassing? A Yes, sir; and I say I know of her marrying Ed Henderson.
Q Well, did you have a personal intimate acquaintance?
A No, sir, I don't know as I ever spoke to this woman.
Q You don't know that you ever spoke to this woman; 30 years now you go back and say-? A Yes, sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
Q Do you know Ed Henderson was her husband? A Yes, sir.
Q I will ask you if Rus Henderson was not her husband?
A No, he was not.
Q You are certain of that? A Yes, I am certain of that.
Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes, sir.
Q Do you swear that she married Ed Henderson? A I swear that she pretended that they was; what they said, that she married him.
Q When did you hear that? A I heard it in I suppose in about '69.
Q Well, do you remember that it was in '69? A I can't keep the dates.
Q Did you know Ed Henderson? A Yes, sir; I knew of him, I seen him in his barber shop every day
Q Were you acquainted with him? A No, sir. Only that he was Ed Henderson and kept a barber shop there.
Q Why should you remember it was in 1869 they married?
A I don't know why I should remember, I do though.
Q You swear they married in 1869? A It was somewhere in '68, '69 or '70.
Q Then you allow yourself a considerably wide range? A Yes, sir.
Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas?
A Yes, sir, and they lived there too.
Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes, sir.
Q I will ask you if Martha Gales didn't marry Ed Henderson?
A Yes, sir, he lived with Martha Gales quite a while.
Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
Q I will ask you if he was not married to her when he was sent to the pentitentiary? A No, he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?
A Yes, sir.
Q And after their separation he lived with this woman?
A I knew him, very well acquainted with him, when he lived with Martha Gales; she was a hair dresser.
Q And then after the separation he married this woman?
A Yes, sir; he married Rachel Webber.
Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70?
A No, sir; I never knew of her coming away after the separation.

MR. MELLETTE:

Q You don't know whether she came away or not do you?
A No, sir; I don't know when she came away; I know they separated, I read that in the papers.
Q Where is Henderson? A He is dead, I heard the other day.
Q When did you hear that? A The other day.
Q How long ago? A A week or two ago.
Q You swore when you were here before he was living? A No, I swore he was at Fort Scott; I didn't then know he was in the penitentiary.
Q Didn't you swear on the 17th day of February, in the case of Marthat Gales, that this man Henderson was living at that time?
A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of himm; since I went there I heard he died in the penitentiary.
Q Now, say if you give this testimony in the case of Martha Gales; wha t became of Henderson? He is there ~~xxxx~~ yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought He was there.
Q Are you swearing what you know or what you think? A How do you know it, unless you think.
Q What made you swear he was there if he was not there? A Because I supposed he was there.
Q Are you swearing by what you know or by what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that~~t~~ my boy was up there.
Q You hadn't seen Ed Henderson there had you? A Yes, I seen him not over three months ago.
Q Didn't you swear just now in this case that he died in the penitentiary? A Yes, sir; he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, that is the only thing I know about that.
Q You say: ~~Is~~ Henderson is living up there yet? Yes, sir ?
A Yes , what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know, Mrs. Davis, whther he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years?

A I can't say; I don't know.
Q Did you say you saw him about three months ago? A I know he ain't been dead three years.
Q Did not you swear a while ago that you saw him just before you came down here on the other case? A No, sir; I didn't.
Q And didn't you swear in that Martha Gales case that Ed Henderson was living up there yet? A Yes, sir, bucause I supposed he lived there yet.
Q You are swearing by what you suppose? A That is the way everybody swears, of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, haven't you?
A Yes,.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed Henderson? A Yes, sir.
Q And when you were down here before you hadn't missed him?
A No, sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No, sir.
Q When you went back you made inquiries and found out he went to the penitentiary? A Yes, sir.

MR. MELLETTE:

Q You hadn't missed him? A No, sir.
Q If he has been dead three years you don't know?
A No, sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. HASTINGS:

Q What is your name? A Minerva Runyan.
Q What is your post office? A Fort Scott, Kansas.
Q What is your age? A 48.
Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes, sir.
Q Did you know Ed Henderson? A I did.
Q About when did you learn to know Rachel Webber? A Well, it has been about ~~88~~ seventy something or another, I just could not say..
Q After the war? A Yes, sir; it was after the war.
Q Where did you knew her? A In Fort Scott.
Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I did her.
Q Did they live together as husband and wife? A Yes, sir.
Q You remember about how long they lived together up there as husband and wife? A No, sir, I could not say.
Q Do you know whether they had any children or not? A I know they had one.
Q Do you know the name? A No, sir.
Q Born up there? A Yes, sir.
Q Do you know whether they continued to live togetheror whether they separated? A Well at the best of my knowledged they separated.
Q What did Ed Henderson do up there? A He was a barber.
Q Now, how long did you continue to know Ed around there?
A Well, I could not say just what time in the sixties.
Q You mean further on up the other way? A Well until his death.

Q You understood he died? A Yes, sir; I understood he died;

I could not say positive for that; it was just through the paper.
Q I could not swear to that for I didn't see it.

MR. MELLETTE:

Q When did he die, Ed Henderson? A Well, now, I could not just tell that.
Q Well, how long ago, Mrs. Runyan? A If I remember rightly, it was in the fall; in the fall or latter part of the summer.
Q What year? A In 1901 I think.
Q Do you swear to that positively? A No, I don't swear to that positively.
Q You saw it in the paper? A Yes, sir.
Q Well, now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back 30 years and locate a colored woman with whom you weren't well acquainted? A Because they lived right there in the town where we did.
Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back younder, in the sixties?
A I don't believe he married in the sixties.
Q When did you first see Rachel Webber? A When I first saw Rachel Webber, in the seventies.
Q What year? A I can't tell the year; best of my recollection it must have been about '73; I know it was a few years before I was married.
Q What makes you think it was in '73, that has been about 30 years ago now? A Now one thing that I can go by, my sister and I were passing her house once about three years before I was married and we was crossing a little stream, crossing that stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is there I got the one child from.
Q Well, now there is three years before you were married you went passing Rachel Webbers house and fell in the water? A Yes, sir.
Q And that was about three years before you were married?
A Yes, sir.
Q And how long ago have you been married? A 26 years.
Q And that was about 29 years ago? A Yes, sir.
Q Is that the Rachel Webber that is concerned in this case?
A Well, that is a x Rachel Webber.
Q I ask you the question? A Yes.
Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well, I don't know.
Q How many cases have you been to witness here yesterday and today? A Three.
Q You have identified certain freedmen that were living in the town of Fort Scott thrity years ago? A Yes, sir.
Q How old x were you in 1870? A In 1870?
Q Yes. A I was about 18 I guess.
Q Were you acquainted with Rachel Webber? A Well, not personally acquainted with her, no.
Q Ever speak to her? A Yes, sir.
Q Well, now, when did you first see her; when did you first remember seeing her, what year? A I don't know.
Q Where was she in 1866? A I don't know.
Q Where was she in 1867? A I don't know.
Q Where was she in 1868? A I don't know.

MR. HASTINGS:

Q You know that about three years before you were married you stopped in there and she had one child? A Yes, sir.
Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes, sir.

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

File with F.D-929. Russell Henderson

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Were you a slave in the Cherokee nation at the beginning of the war?
A Yes, sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war?
A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same f all, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I havetwo children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.

Q When did you first see him in Kansas? A I went to Kansas with him.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee ? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister Jenny.
Q Jenney what? A Curnell, I think.
Q Was she married then? A Yes, sir, I think she was.
Q Who else came? A Eveline.
Q What? A I don't know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well who else came? A The Naves.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters the time you come? A He made 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes, sir.
Q If he had a family then it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Parker? A No, sir.
Q Where did you locate in the Cherokee Nation.? A On 14 Mile Creek.
Q You went right on there did you? A No, sir, we stopped a few days on the Rider place at Loodey's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Bill Loodey live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes, sir, I think so.
Q You made a statement before that Commission? A Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No, sir.
After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes, sir.
Q Whose place on 14 Mile Creek? A Mose Nave place.
Q How long did you stay on the Mose Nave place? A I went to his house, that was my step-father and I staid there.

Q Who were some of Mose Nave's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Mose Nave live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand River, when you were working there?
A Went back to 14 Mile Creek.
Q Then for the first few years after the war you lived on Grand River and 14 Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You know him? A Yes, sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your oldest child, George Starr Jr., where was he born? A On Lightning Creek?
Q Did you and your wife ever keep house in Parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68?
A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located?
Q On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Cal Coker? A No, sir, I don't know him.
Q What were your wife's folks' names? A Johnson and Loodey's.
Q Haw far from Coody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that live around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q In that one house? A No, sir, in several houses.

Q Did you make a place of your own there? A Yes, sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette:

Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes, sir.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11. years.

By the Commission:

Q Was she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A I don't know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes, sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No.3661, George Starr, Cooweescoowee district.
Page 148 No.3662, Arthur Starr, "

Wallace roll examined and the applicants identified as follows-
Page 140, No. 2940, George Starr, Cooweescoowee district.
Page 140, No. 2942, Arthur Starr, "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette:

Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Virdigris river, in Gooseneck Bend, this side.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Do you know this applicant? A Yes, sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes, sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes, sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come with me.
Q Where did he go when he come that time? A I left him at Tom Rider's on Grand River, Uncle Billy Lobdey lived therethen.
Q Where has he been since? A On Lightning Creek and 14 Mile Creek.

BY Hastings: Where did you first see this applicant just before the war? A In Flint district.

Q How far from you? A 6 or 7 miles.
Q Where did you next wee him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes, sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loodey? A Yes, sir.
Q You didn't testify for him before the Kern Clifton Commission? A No, sir.
Q You had been down here beforeyou brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Had you made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? AOn the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
A Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her? A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn:t born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the Spring of '70.
Q Where? A On Grand River.
Q The time you brought this mandown here, where was your wife?
Q She was back up there at Fort Scott.
Q What was you doing, going up there back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free, didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may be, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I don't know.
Q You knew more about this fellow that you did about your wife? A (No response)
Q Who did this fellow stay with on 14 Mile Creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Gooseneck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Melletts:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come with you? A No, sir, they came before that in the spring and were here on 14 Mile Creek then.

Continued by Stenographer M. D. Green this 22d of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED,-former portion of this case taken by stenog. C. von Weise;

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for the applicant;
MR. W. W. Hastings, for the Cherokee Nation.

BY MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes, sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved , I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I went away.
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn,t very long, about a year or so I guess.
Q When did you see them living together as man and wife after that? A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes, sir.
Q A farm over there? A Yes, sir.
Q They were living at that place were they? A Yes, sir.
Q Who came with this fellow down there to Prypr Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was two more women along with him.
Q You didn't testify for this man five years ago? A No, sir.

Q Although you knew him in the fall of '66? A Yes, sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for hom at that time? A No, sir.
Q How longdid he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that xxx that was that year? A Yes, sir, I know it was that fall of '66.
Q You knew that 5 years ago too? A Yes, sir, I knew it 5 years ago, if you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loodey sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryer's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
Q It wasn't quite that long, about five years I guess.

Applicant, GEORGE STARR, recalled, and further examined;

BY MR. HASTINGS:
Q Have you been married a second time? A Yes, sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes, sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their postoffice address when it is arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr et al., C.F.D.813.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T.,October 24th,1901.

In the matter of the application of George Starr, et al., C.F.D.813.

SUPPLEMENTAL TESTIMONY

APPEARANCES:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGrove being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 65.
Q Where do your live, your postoffice? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes, sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave? A Yes, sir.
Q How long have you known him? A Got acquainted with him--- let me see--- let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes, sir.
Q How came you to find him in Parsons, Kansas? A I was out hunting a mule, some fellow had stole my mules and I was out hunting for them and staid all night at his house.
Q About then was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866 where did you live? A I lived on Verdigris, on Gooseneck Bend.
Q Right after the war? A Yes, sir.
Q And the next year? A I lived there and the next year I moved to where I am living now.
Q What point on Grand River did you live on? A On 14 Mile Creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that you lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I can't say exactly, '67 wasn't it?
Q You are the one to know. You don't know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes, sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons, Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then come back home on down Cabin Creek.
Q Did you come by Vinita? A No, sir, just along on Cabin Creek.
Q How did you travel from Parsons? A Horseback?
Q Did you come on the Railroad? A No, sir, from Parsons to

Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Gooseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Mose Nave's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir. Q This M.K.& T.was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a stepson of Mose Nave? A Yes, sir.
Q You was in Fort Gibson in '66 and '7? A Yes, sir.
Q And didn't see anything of him? A No, sir.
Q Did you go much about Mose Nave's then? A Yes, sir, every day or so.
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time.

(By Smith)

Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? What makes you say it was in '69 that you went to hunt your mule if you don't know dates?
Q I was living up here then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you don't know when it was or do you still say it was '69?
A I never said-- I don't have to answer less I want to.
Q What was that? A I never said nothing to you.

Q Well, I want you to say something to me. A You just brummell a fellow around here like he don't know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

C. R. Breckinridge,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell.

Subscribed and sworn to before me this 28th day of July, 1902.

Bruce B. Jones

Notary Public.

To be filed with F. D.-929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25, 1901.

In the matter of the application of Jane Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at that time to this Mary Nave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 106 # 2260 Jane Colenol, Salin District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back here until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.

Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.
Q Who did you go with down there? A With my brother and sister, brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French ? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all come down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to pryor Creek? A My husband xxx went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the was was going on.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation? A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your peoxmple? A My mother's name was Charlotte Nave.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek Nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we come back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you get there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.

Q You had known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died, in the Creek Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R NEEDLES:

A Did you ever claim citizenship in the Creek Nation? A No sir, I didn't .
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was hisname? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q Do you know old Abe Kernel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Eveline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Saline? A Went to 14 Mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant? A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. HASTINGS:
Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right, I have got to get it in every case you know, you people must understand that. A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Eveline and the next one was named Jane, Jane Wave and Eveline gave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden
Q Who else? A Her husband, Nph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I dont remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was he husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek Nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, sometime in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a man mm named Ned Adair in Saline? A Yes sir, I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You knew where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war? A Yes sir.
Q You can't mm say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:
Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, and her husband, I don't recollect how many was along, it has been so long I can't think.
Q You remember whether George Starr was along? A George Starr was along with us.
Q Where did you first come to? what point in the Cherokee Nation?
A We first struck the Cherokee nation down below Chetopa.
Q I mean where did you come to? A Timbered Hill.
Q What time of the year did you say that was? A That was in the first part of the summer, springlike, I don't know what month it was.
Q Of what year? A '66.
BY MR. HASTINGS:
Q How far from was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.
Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.
Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.
Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.
Q Good piece? A I don't say a good piece, it is a piece though.
Q You know how far it was from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know exactly how far it is.
Q You have no idea how far it was from Chetopa ? A I have no idea I didn't take no notice.
Q Did you come through Chetopa? A I guess we did, I think we did anyway.
Q That is your best judgment? A Yes sir.
Q You know what sized place it was? A I don't know, didn't take no notice.
Q About how many steres there? A I don't know, ~~didn't look~~ I didn't look.
Q Didn't you stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.
Q You don't know what sized place it was? A I don't, I knew it was Chetopa, small town, I don't know how large.
Q You don't remember how far this side of that town you stopped?
A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the nation and stopped.

Com'r Needles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returned in '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 813, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the commission in the premises.

---oooOOOooo---

[illegible] A [illegible]
[illegible] Public Domain of the Cherokee [illegible]
A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July 8, 1901.

(signed) T.B.Needles,
Commissioner.

---oooOOOooo---

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.

By Com'r Needles,
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stopat then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 24 years old.
By Hastings:
Q Who did you come to the Cherokee Nation with after the war? A With Dave French.

Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Cursell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you come? A He made 2 or3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we came, but we came in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loody's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Leody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Or Creek, how long did you stay there? First, how long did you stay on Pryor Creek? A We came there in November and left there in December.

Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile Creek? A Moses Nave place.
Q How long did you stay on the Moses Nave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Moses Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Moses Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 87.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You knew him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldest child, George Starr, Jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on thattrip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At Chouteau.
Q Did youtestify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Sal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loodey's.
Q How far from Goody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.

Q In that same house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes sir.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the Commission;
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
page 148 No. 3661, George Starr, Coowescoowee district;
page 148 No. 3662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
Page 140 No. 2940, George Starr, Coowescoowee district.
Page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q What is your name? A Dave French.
Q What is your age? A 32.
Q Where do you live? A Down on Verdigris river, in Goose neck Bend, this side.
Q In the Cherokee Nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He came with me.
Q Where did he go when he came that time? A Me I left him at Tom Riders on Grand river, uncle Billy Looney lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war? A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you came? A Yes sir.
Q Did he come with you when you came with your family? A When I brought my sisters and the negroes, they were along.
Q Did your have your family with you then? A No sir.

Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loodey? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A Yes sir
Q How many trips had you made before you brought him? A I dont know.
Q Had you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring on '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, x she said he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline gave.
Q Did you stay on the Martha Vann place in '67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
A How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the eldest child born? A On Salliaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring on '70.
Q Where? A On grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.

Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho falls.
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Natin were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You know more about this fellow than you did about your wife?
A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Goose Neck bend and he lived on Lightning Creek.
Q How long has he been living on Lightning creek? A I dont know.

By Mellette:
Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come with you? A No sir they came before that in the spring and were on 14 mile creek then.

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas.von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

(signed) T.B.Needles,
Commissioner.

CONTINUED,- former portion of this case taken by stenog.C.vonWeise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor'sCreek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married?
A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that
A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q Howfar was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Leody sometimes, his right name was Ross.

Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I knew we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there isshe? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identifiedupon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office adress when it is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed) T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete cop of the original transcript.

(signed) M.D.Green.

Subscribed and sworn to before me this August 26th, 1901.

(signed) T. B. Needles,
Commissioner.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original.

H M Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce C Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. W. D. 213.

SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 65.
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are youacquainted with one George Starr, a step son of Mose Nave? A Yes sir.
Q How long have you known him? A Get acquainted with him-- let me see-- let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How come you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Goose-neck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say youwent to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q Did you come by Vinita? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I road along the railroad.
Q Did you go to parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.

Q When did you go then, back to where you were living? A I went back to Geesemeek Bend.
Q How near did you come to Vinita on thattrip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he d oing there? A He was living there, I staid all night with him.
Q That was a good while after thewar? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just knew that you didn't see him at Mose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about d ates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Mose Naves then? A Yes sir every day of so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.

(By Smith)

Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time, be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69?
A I never said--I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brummell a fellow around here like he dont know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

6-6-6-6-6-6

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 28th of October, 1901.

(signed) C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of Jane Kernel for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-654.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 815 be filed with and made a part of the record in this case.

COMMISSION: The request of the nation will be complied with and the testimony filed.

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Creninger.

Subscribed and sworn to before me this 24 day of July, 1902.

(signed) F. G. Reuter,
Notary Public.

(Seal)

6-6-6-6-6-6-6-6

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original transcript.

H. M. Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce B. Jones
Notary Public.

To be filed with Jane Kernal Fr. D-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I about 43 or 4.
Q What is your post-office address? A Lenepah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.

BY MR. MELLETTE:
Q Where do you live? A I live up near Lenepah.
Q How long have you lived in the Cherokee Nation? A Ever since 'GG, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time?
A I must have been 7 or 8 years old.
Q Well now, what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton Court, it was me that made the mistake.
Kern-Clifton pay roll of citizens of the Cherokee Nation
page 155 #3848, Wash Nave, Tahlequah District, 71 years old.

Wallace roll of citizens of the Cherokee Nation examined page 158 #2767, Wash Mave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped ~~to~~ any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand River.
Q I will ask you where you went from there? Do yu remember that?
A We went across the river and camped at the old Vann place; Bill Loody was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 45 or 4, I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I was'nt no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did, there was one family come with us that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother Mariah? A Yes sir.
Q They were along were they? A Yes sir.

Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here he could answer for himself, he was along with us and that other family, I don't remember distinctly whether there was anybody else or not. Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French?
A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that wasthe first longest stop we made there, we camped all along the road on creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until

you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek station is now? A It is a little South-east.
Q About how far? A It is about 9 miles, 8 or 9 miles from where Pryor Creek is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as three months?
A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgement now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir, we did'nt stay there all summer.
Q Then you left that summer sometime, that's your best judgement?
A I dont know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we did'nt stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess abut 3 miles up above the Vann place on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I did'nt see ~~xx~~ any.
Q How long did you stay ~~i~~ at the Drew place? A Several weeks but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there but we did'nt go in there.
Q Where did you go from there? A We went up on Lynch's prairie, to a store that was up there on Lynch's prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A Nosir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We did'nt stay up there I don't think, over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now, about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's?
A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I dont know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.

Q Who was living there at Steven Taylor's ? A Steven Taylor and his family and Mose Mayes.
Q Was Mose Mays colored? A Yes sir?
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it was on the east side of Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.
Q Where did you go from there? Q We come up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Was there any Cherokee s living there at that Vann place then?
A I did'nt see any.
Q How long did you continue to live there at the Vann place?
A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THEnHOUR OF NOON THE COMMISSION ADJOURNS UNTIL THE HOUR OF I, P. M.

I. P.M.- This case continued; applicant on the stand, examined BY MR. HASTINGS:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war?
A He went to Tahlequah several times, I don't know what he went for.
Q You did'nt know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Com'r Needles, testified as follows: BY MR. MELLETTE:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Ch rokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee N ation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mariah Nave's daughter.
Q Was Jane Pack a recognised citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They

went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir.
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.
Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to in the spring of '66?
A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are an old man, Wash Nave was a brother of yours?
A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Loody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died? what country? A They lived on Grand river until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man living there now, down on the river there.
Applicant: No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A Coowescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation so far as you know, since you brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas and when I saw them again it was in the winter, they was on the other side of the river at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born but she was'nt along.

BY MR. HASTINGS:
Q About what time did Wash Nave Sr., this mans father, die?
A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewheres now, I did'nt keep no count, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I did'nt keep no count of it.
Q Did you make a crop in the year '66? A No sir, I did'nt make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army,

I cooked at some officer's and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I do't believe it was, no, I was in Kansas during the war, time of Price's raid
Q Was that the first time you went to Kansas after the war?
A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during '66?
A I don't know.
Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas, who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes sir,, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you?
A She was along with me when I went up, I hauled her back up there.
Q You testified in the case awhile ago that you hauled her up there in August '66 did'nt you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that?
A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Did'nt you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash?
A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousins name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in the crowd, or was there more than one?
A I don't recollect, it has been so long I could'nt tell you.
Q You dont remember then whether Wash had a wagon of his own or not?
A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Nave family and yourself and the Bearden woman and what children she may have had, was all that was along in that crowd?
A I don't recollect, there were a good many, I don.t think that was all it was a pritty good crowd. We could'nt come in little squads we come in pritty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little North-east of Chouteau.
Q Were there any Cherokees living at the Rider place at that time?

A No body there but Uncle Billy Loody's family; there was.nt no Cherokee s hardly in there at that time; they come in the spring of '67 and along in there.
Q You did'nt stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.
Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It was'nt later than Christmas? A It might have been later than Christmas.
Q Then they lived there for dome two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live ? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave, Jr.? A Yes si.
Q Did you know his father? Wash Nave? A Yes sir.
Q Did you nkow his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '66.
Q Well now, do you know what children they had at that time?
A They had only 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave an Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I dont know where they went to.
Q Did you know the old man and woman and the boys from that time on?
A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys Uncle along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I had'nt been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I did'nt see them.
Q How long did Dave stay there? A He did'nt stay very long.
Q Where did he go from there? A Went down on the river somewhores.
Q How long did these people stay there? A About a month I guess.
Q [redacted]
Q And then where did they go? A They went down below across the river somewhere.

Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed awhile visiting, along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; use to have meeting up there and they would come up there; my father use to have camp-meeting up there.
Q What other families were along with them when they came back?
A I don.t recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time.
A No, I don't remember seeing them.
Q You think that was in the early Spring? A That was in April I am sure it was because I was working to put in corn after.
Q You was'nt a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place?
A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.
Q They had two wagons then? Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or that summer? A No sir, I did'nt see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenepah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann?
Q Wash Nave? A Yes sir.
Q Did you nkwo his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there's another one.
Q You know his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war?
A No sir, I did'nt.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there?
A They come in wagons and was camped there.
Q Besides the old man Wash, and Mariah, his wife, who were with them?
A I did'nt see no one but them and the children, four boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place but I would see them often at church every summer, about once a month until I moved from there.
Q How long had you been back at that time, when you saw them there?
A I come that spring.
Q You came the same spring? A Yes sir.

BY MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place at the house and they was camped on the outside on the hill there not very far from the house, about a quarter ~~anyhow~~ or maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.
Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No they was.nt, they went away, they did'nt stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He could'nt have been over 5 maybe 6 years old, I don't know he was very small.
Q That was your judgement at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he was'nt there.
Q Sam Mayes in that country over there? A Not in the spring he was not, he was there after that.
Q You don't remember seeing them after that for sometime?
A Not until next summer I believe it was, I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission?
A No sir, I did'nt, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that was'nt true? A No you did'nt, but they did'nt come to me to testify anything for them and I did'nt testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Cooweescoowee District.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q Do you know this applicant. Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Fort Scott, Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was sometime in July '66, I don't remember just what time.
Q Where did you see them? A At a little store I had on Lynch's

Wash Have, Jr. 10.

Prairie. Q Which side of Grand river was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A Yester There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in Saline District in 1880, and I enrolled Wash Have and his family, they were living near the bend, in near Markhams Lick.
Q You were one of the census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them there at your store there after the war? A In '66.

BY MR. Hastings:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled?
A They were enrolled but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago?
A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You did not at that time witness for them? A No sir.
Q You did'nt make known at that time what you know about it?
A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir. And I moved away from there in September.
Q It was before the first of August they were in your house?
A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They did'nt stay there but one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I do'nt remember seeing the family until I was taking census in '80, I saw Wash at one of his brother's; he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brothers.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir, that was the summer I think of the year '80, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was five leading families in that case? A Yes sir.
Q I believe you testified that they paid you 25 dollars in each of those, or 125 dollars in the Robinson case. A Yes sir.

Q I believe yountestified that you charged athers alo for being a witness for them? A Yes sir,
Running from 20 to 25 dollars apiece? A Yes sir.

BY MR. MELLETTE:
Q Mr. Foreman, was money that the representattive of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie?? A No sir, it was'nt.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.

BY MR. HASTINGS:
Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I could'nt say now I don't remember positive.
Q Where did you live at that time, during 1896?
A I lived down on the west side of Grand river.
Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called and further examined;

BY COM'R NEEDLES:
Q When did your father Wash, die? A He died in February '91, about the 16th or 19th, I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY. MR. HASTINGS:
Q Where did your father and mother die? A Both of them died in Saline District.

COM'R. NEEDLES: Wash Nave, Jr., applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avres that he was the son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave, Jr.,will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete ntranscript of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed) T. B. Needles,
Commissioner.

S U P P L E M E N T A L T E S T I M O N Y.

F. D. #815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr. as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of the applicant:

Appearances:
L. T. Brown, for applicant;
J. S. Davenport, for Cherokee Nation.

L. T. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN.

Q State your name? A L. T. Daniels.
Q Your age? A 56.
Q Your post-office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes sir.
Q Do you know Wash Nave, Jr.? A Yes sir.
Q Did you know his mother and father? A I am very well acquainted with the old man Wash Nave.
Q That was Wash Nave's Jr.'s, ~~his~~ father was it? A Yes sir.
Q What was Wash Nave' Jr's, mother's name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes sir.
Q Did you see him at that time? A When I first seen the old man I did'nt see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get somethig to eat he had to bring his family.
Q That was in December, '66? A Yes sir, in December '66.
Q About how old was George F. Nave, at that time?
A He was about two years old; I don't think he was any older, he was the smallest boy.

BY COM'R. NEEDLES:
Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him it was a new family and we had to keep a record of them and I could not give him rations until he showed up.
Q It must have been four or five days? A No sir, it was'nt but three days, he did'nt have to go but about nine miles.

BY MR. DAVENPORT:
Q George was about three years old then? A No sir, about two years old.
Q You remember distinctly it was in December '66? A Yes sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No sir, he got them to eat; was'nt anything in the country to eat.
Q Where had they come from?
A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.

Wash Nave, Jr, 15.
Q That is the reason you nkow that Nave come from Fourteen Mile Creek because Stevens never brought your pony back?
Q I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No sir.
Q You never seen him until he come to Gibson?
A Yes sir, and when he returned to get his folks and come back and old man Stevens come with him and did'nt bring my ~~pony~~ horse back in time and I went after him.
Q You remember distinctly the incident of Stevens coming with him?
A Yes sir, I did'nt have any way but to keep it in my head and I remember it.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 18th day of July, 1901.

(Signed) T. B. Needles,
Commissioner.

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File with Cherokee Freedman D-815, Wash Nave,Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Needles, testified as follows:
MR. DAVENPORT:
Q What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek, in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, pritty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No sir, I did'nt know him before the war.
Q Did you know him after the war? A Yes sir.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '66, that is I think it was in February or March, in '66.
Q Where was you living at the time? A I was living at Martha Vanns, on Grand river.
Q That a relative of yours? A Yes sir, she is a first cousin of mine.

Q Well, where was Wash Nave living when ~~me~~ you got acquainted with him? A He was living there.
Q Do you know whether or not he had any children? A Yes sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well, how do you know he just moved from Kansas? A Well, he told me so and he was loaded up and he told me he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well, that was the first time you had seen him since the war and first time you had ever seen him? A Yes sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwa ds and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is the latter part of the summer of '67.
Q Who did the family belong to before the war? A If you remember? A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterward Moss? A Old Aunt Mary Nave, my father;s sister.
Q Now as I understand you, he had his wagons loaded up when you saw him and he told you he was just come from Kansas? A Yes sir.

MR. SMITH:

Q How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.
Q There did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No I remember the old folks and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I dont recollect her name.
Q You remember how many children he had? A No not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No not exactly the number of children.
Q Do you know what the names of any of the children was? A Well, the two oldest I think was named Reuben and Dave, and then he had a little fellow named George I think, and Wash, if I am not mistaken; Reuben and Dave they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well, he was a little fellow, he was'nt large enough hardly to make a hand in the field, not a plow hand.
Q Was'nt over five or six years old? A Yes sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well, he was'nt big enough to make a hand? A Well I don't remember him plowing.
Q You think he would have remembered it if he had plowed? A Why yes I guess I would.
Q Well now, was that all there was to it, just the man and the woman and these children you have mentioned? A Well them is all I remember, there might have been more, but they lived there all of that summer and I got acquainted with them and worked there in the

same field with them; it has been a long time and a person can't tell who came with them, there may have been more came with them.
Q Can you remember the number of wagons they had? A No sir, I cant state.
Q Well who was it that told you that they had just come from Kansas?
A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.
Q But you can't state it has been so long ago you cant state from your independent recollection at this time whether the old man told you that or not? A Yes I will say pritty certain that he did.
Q You are pritty certain of it, but you are not positive?
A Well I can say positive I believe.
Q You believe you can? A Yes sir.
Q Well where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more that one trip from Kansas after the war, you don't know? A No I don't know.
Q You don't know when he first came to the Territory after the war?
A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.
Q You know these boys, Wash and Rube and George? A Yes sir.
Q They have been living here in the Cherokee Nation ever since you first knew them hav'nt they? A Yes sir.
Q Did you ever testify before any other court than this court in this case? A Yes sir.
Q Where was that? A It was before the Kern Court I Think.
Q Do you remember what you stated before that court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that court you stated that it was the old man that told you this or the old woman that told you, or did you say before that court that anybody told you they came here?
A Well I think I did, I think that I told before the court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them; buying a couple of pigs, gave them a cow and a calf.
Q The pig trade did'nt have anything to do with where they came from?
A No, it was something that impressed me.
Q I say that did'nt have anything to do with where they came from?
A No sir.
Q Do you know a man named George Vann? A Yes.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well, not to know him, I might have seen him and forgotten him, but I use to know him, they called him Sleepy George, is it?
Q The one that lives up here in this district, Cooweescoowee District? A Well I know two George Vann's, they call one George Vann sometimes, and then they call him George Bruner.
Q Is that the one you know? A Yes sir, and there is another one they call him sleepy George and I use to know him.
Q Where does he live now? A I don't know where he lives; this

Wash Wave, Jr. 16.

George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there just after the war.
Q Was he around Vann's a good deal people there? A Yes he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I dont say positive it was in '66, but it was somewhere along after the war a short while.
Q Short while after the war? A Yes sir.
Q Did you know J. M. Ross, a Cherokee? A Yes sir, Joe Ross?
Q I dont know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say.
Q Where was he during the year 67, if you know?
A I can't say positive where he was.
Q Do you know where he was in the year '66? A No sir.
Q When did you first see him after the war? A I can't say when positive, when I saw him.
Q Did he live down there about that country where you were?
A Yes sir, I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No not positive, but I think it was '68 that I see him.
Q What kin was he to H. C. Ross, Judge Henry Ross? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Ross? A No sir.
Q You know the hand-writing of Henry Ross? A No sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation?
A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on ——
Q I mean before you went out that fall?
A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65, or the latter part of the winter of '65? A I think it was in the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pritty much all the time.
Q How long did you stay before you went away again. A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66, till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes sir.
Q At what time did you come back to the Cherokee Nation next?

Wash Nave, Jr. 17.

A I came back the latter part of the summer of '67.
Q You left in the spring of '66, and came back in the summer of '67?
A Yes sir.
Q How long did you stay when you came back in the summer of '67?
A I have been there ever since.
Q Never been away any more. A Oh I have been to Kansas City, and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time?
A No sir.

Taking of testimony continued by stenographer J. C. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(signed) T. B. Needles,
Commissioner.

October 21st, 1901.

WASH NAVE, JR., taking of testimony continued. Former portion taken by stenographer Bruce C. Jones.

S. W. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A S. H. Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation?
A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes sir.
Q Whom did he belong to at the breaking out of the war?
A He belonged to Alock Vann.
Q Do you know whether or not he went out during the war?
A Yes, that is my understanding; yes sir, he left the country during the war.
Q When you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was the latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Choutemu.
Q Near what place, had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war?
A I saw Wash Nave I think it was in 68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.

Q Did he have his family with him? A Yes sir, he had a family with him.
Q Did you know any of the family's name?
A Yes sir, I knew them the old man and all the family.
Q What were their names? A Reuben and Dave and George, I did'nt know him so well he was a small boy, I knew Reuben and Dave.
Q Well did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes sir.
Q Was he in that country there when you came back from Texas?
A No sir.

MR. SMITH: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

COM'R. MEADLES: The objection will be noted and testimony heard.

MR. SMITH:
Q Now Mr. Mayes, about what time of the year was it you saw Mr Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes sir.
Q You dont know how long he had been living there at the lace?
A Why, he had only recently come in there.
Q He was living there, settled down when you saw him?
A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp when I first saw him.
Q You did'nt get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes sir, I was in there though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross?
A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes sir.
Q Are you afmiliar with his hand-writing? A I can't say that I can; I have seen it but I can't say that I can testify to it.
Q Did you ever see him write? A Yes sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes sir.
Q Is that his signature? A I don't know, H. C. Ross is living though.
Q There was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
A That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes sir.
Q Dis you state before that Commission that the first time you saw him was in '69? A No sir, if I did— I know I did'nt because that was not the first time I ever saw him; I know Wash Nave before, I lived right by him in Flint District.
Q Did you know George W. Vann, a colored man?
A Why, I know two George Vann's.
Q How do you distinguish them? A Well we distinguish George here, we use to call him George Spring Creek, Spring Creek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remem-

ber just where I do remember, I know he use to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Spring Creek George, I ved up east of where I lived when I knew him, on the Nave's Prairie. on Spring Creek, called him Spring Creek George. I never was acquainted with George until about '75.
Q Did you know where Joe Ross was in '67? A No sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT:

Q He has lived in Saline District has'nt he, ever since the war?
A Yes I think the first time I saw Joe Ross was in '71.

MR ADAIR, being duly sworn by Col'r Meadles, testified as follows:

MR. DAVENPORT:

Q What is your name A MR Adair.
Q Where do you live Mr? A In Saline District.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q Did you see Wash Nave and his family after the war? A Yes sir.
Q Did you know J. M. Hayes, the Chief Bryon, at the close of the war?
A Yes sir.
Q Did you see him shortly after the war? A Yes sir.
Q Now, then did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see, in my election, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back,Mod? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes sir.
Q What were their names? A Dave, Reuben, Wash and George.

MR. SMITH:

Q Mr. Adair, did you go out of the Nation during the war, or did you remain here? A Nosir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well sometime during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile Creek in '65, and after I left that place I came up here on Grand river in '66.
Q What time in the year '66? A It was as near as I remember, in the fall.
Q Where did you locate, what point did you moveto, live?
A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile Creek?
A Why I only remained there about a year.
Q What time did you go there? A It was some time it was about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair? Were you brought up near about Evansville, were you raised there?
A Yes sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek and lived there a year.
Q Did you ever go back to Evansville? A No sir.
Q First came to Tahlequah? A Yes sir.
Q And then to Fourteen Mile Creek? A Yes sir.
Q And then up on Grand river? A Yes sir.
Q Have you known Wash Nave before the war? A Yes sir.

Q Had? A Yes sir.
Q Well, now, how long after you moved down here before you saw Wash?
A Well, as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes sir.
Q Where did you see him? A First saw him at that Nave Vann place on Grand river.
Q He was on the Nave Vann place in '67, in the spring
A Yes sir, that is where I saw him.
Q How many children did he have at that time?
A I think he had four.
Q Do you remember their names? A I think he had Nave and a Carlon and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.

MR. DAVENPORT:

Q Did you have any conversation with him as to where they came from?
A No sir, I dont recollect whether I did or not.
Q You were living there at the Vann place? A Yes sir.
Q And they came there according to your best recollection after Chief S. H. Hayes and his family moved back from Texas? A Yes sir.

MR. SMITH:

Q Mr. Adair, you are certain about that, which came first Hayes or this man? A Not positive, best of my recollection Hayes did.
Q As a matter of fact Hayes came twice didn't he? A I don't know.
Q Hayes came in '66, and he came agin after that?
A I don't know about that.
Q But you cant be certain now as to which of the two got to me first?
A It seems to me like Hayes got there first.
Q But you are not positive? A No sir.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Born and raised here? A Yes sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

COM'R. MIDDLES: This testimony will be made part of the record in the original case, Freedman D-815, and also part of the record in D. # 821, 822 and 823.

J. C. Tosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. C. Tosson

Subscribed and sworn to before me this November 11th, 1901.

(signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 24, 1901.

Wash Nave, Jr. #1,

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being sworn by Commissioner Needles, testified as follows:

MR. SMITH:

Q State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes sir.
Q Where were you living Judge Ross, in June 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District Judge.
Q District Judge of the Cherokee Nation?
A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is(hands witness paper)?
A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of ~~Nix~~ Saline District.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes sir.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him?
A That is Joe Ross's hand-writing.
Q Did he swear to it before you? A Yes sir.

MR. BELL: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to-day will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(signed) T. B. Needles
Commissioner.

F. D.-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19th, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-815.

Appearances:
Mellette & Smith, for applicant,
T. W. Hastings, for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No. 80:

"Washington Nave,
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No.180, as follows:

"Wash Nave
vs.
the Cherokee Nation. (Before the Commission on citizenship July 13,1872.(Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application xxx made to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1872, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the intro-

duction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by some other one other than Wash Nave, and is signed "Respectfully, Wash Nave," which certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying this offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows: My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation, for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them; and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now, you don't think that the last clause of this letter last made is the form in which Wash Nave made an application to this or any other court, do you?

A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why, it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty; they I suppose are the official custodians of those records, and they, at the request of the Chief, gave these records to we attorneys representing the Cherokee Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not, I was'nt present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it was'nt there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record-

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made

Wash Nave, Jr. 24.

a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave Jr., and of all these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgement that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger

Subscribed and sworn to before me this 28th day of May, 1902.

Seal (signed) P. G. Hunter,
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Subscribed and sworn to before me this 1st day of August, 1902.

Bruce G. Jones
Notary Public.

RECEIVED
JUL 3 1902

To be filed in F. D-929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of William Webber for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-928.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 23rd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said William Webber to enrollment as a citizen of the Cherokee Nation. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in the cases of Freedman Doubtful 813, Freedman Doubtful 856 and the statement of Dave French in Freedman Doubtful 935, be introduced and made a part of the record in this case.

COMMISSION: In addition to the case at bar, this testimony will be filed with and made a part of the record in the case of Russell Henderson, D-929, who is also represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of July, 1902.

Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

Retta Chick.

Subscribed and sworn to before me this 3rd day of July, 1902.

Notary Public.

Read

To be filed with F-D-929

Department of the Interior,
Commission to the Five Civilized Tribes,
~~Muskogee, I. T. May~~
Nowata, I. T. June 28th, 1902.

W. W. Hastings, Cherokee attorney-
Mellette & Smith attorneys for the applicant-

In the matter of the application of Ben French for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testfied as follows:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Dave French called and sworn as a witness for the applicant. By Mr. Smith:

Q. What is your name? A. Dave French.
Q. What is your age? A. 72.
Q. What is your postoffice address? A. Lenapah.
Q. How long have you lived in the Cherokee Nation? A. Ever since the spring of '39.
Q. Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q. Do you know the applicant here, Ben French? A. Yes sir.
Q. Did you know him just before the war? A. Yes sir.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. The Frenches.
Q. Where did they live? A. Flint District, Cherokee Nation.
Q. What was his master's first name? A. Bob.
Q. What was his wife's name? A. Marguerite Fields before he married her.
Q. Was she a Cherokee Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the oldest son, Henry, Joe, and several other boys.
Q. Do you know what became of this applicant during the war? A. Went to Kansas.
Q. When did he come back? A. In '66 before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I left.
Q. When did you leave there? A. The week after Christmas.

BY HASTINGS:
Q. Where did you go from there? A. Back to Kansas.
Q. ~~Where did you go after?~~
Who did you go after? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife? A. Yes sir.
Q. Your memory is faulty about your wife? (No response)

BY SMITH: I object to that question."
By witness of Hastings: "What did you ask me?"
By Hastings of witness: Is your memory bad about your wife?
BY THE COMMISSION: Your recollection is bad about your wife's whereabouts then? A. Yes sir.
BY HASTINGS:
Q. Where was she at the time? A. In Kansas somewhere.
Q. Why hadn't she moved down here then? A. I don't think I had.

Q. You didn't witness for this fellow before did you? A. I don't kn knew.

BY THE COMMISSION of the applicant:

Q. What is the reason that your name is not on the roll of 1880?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You wasn't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes sir, I have been there twice with rheumatism.

Chas. vonWeise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 13th day of July, 1901.

(Signed) T. B. Needles,
Commissioner.

I, Frances S. Botefuhr, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the above and foregoing copy and that the same is a true and correct copy of the original offered in evidence.

Frances S. Botefuhr.

Subscribed and sworn to before me this 25th day of July, 1902.

Bruce B. Jones
Notary Public.

NO. 7D 929

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy

of the within notice to .....

.....

on the ..... day of ....., A. D. 190 .....

.....

Subscribed and sworn to before me this

MAY 23 1902

.....

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 24 day of May 1902

Mellott & Lynch

Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... 190 .....

.....

Agent for Applicant.

NOTICE.

In the Matter of the application of Russell Henderson.
for enrollment as Cherokee citizens:

To Russell Henderson, or Mellette & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 27, 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 24, 1902.

L B Bell
Wm. M. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

No. F D 929.

1/5929

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 486, a part of the record in this case and the cases hereinafter mentioned by references to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Russ Henderson, D 929;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because; First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

OCT 14 1908
COMMISSION TO FIVE TRIBES

C.F.D-929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY ANDPROCEEDINGS in the matter of the application for the enrollment of RUSSELL HENDERSON as a Cherokee Freedman.

Appearances:
W. W. Hastings, J. S. Davenport and L. B. Bell, attorneys for the Cherokee Nation.

NAN WASHINGTON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Nan Washington.
Q How old are you? A About forty-four, I reckon.
Q Were you born since the war? A No, Iwas born during the war. I really don't know.
Q You say you were born during the war? A I think so.
Q What is your post office? A Vinita.
Q Do you know Russell Henderson? A Yes sir.
Q Is he the same Russell Henderson that applied for enrollment as a Cherokeefreedman? A Yes sir.
Q How long have you known him? A Ever since he was a little boy.
Q Have you known him over twenty years? A Yes sir, I think I have, I guesso.
Q Do you know where he was born? A No, I couldn't tell you where he was born.
Q Where was he when you first began to know him? A Around up at Cabin Creek and Gooseneck
Q In what Nation? A Cherokee Nation.
Q That was over twenty years ago? A I think it was about twenty years ago.
Q Where has he been living since that time? A Around Lenapah, at Gooseneck. Never have been at his house, but he lives up there some place.
Q Has he always lived there since you knew him? A Yes sir.
Q Did he ever live out of the Cherokee Nation at all?
A Not as I know of.
Q Do you know whether he ever lived in Kansas?
A No sir, not as I know of.
Q Did he have a farm or place in the Cherokee Nation?
A Yes sir, I think so. He is married and got children. I never was at his house.
Q How long has he been married? A I really couldn't tell you how long he hasbeen married. He hasbeen married, I guess, six or seven years to my knowledge.
Q Did you see him often during the last twenty years? A No, not to say often. Just now and then I would meet him at gatherings and picnics and around.

MR. HASTINGS: You live here in Vinita, do you? A Yes sir.
Q You never was at his place, I believe you said?
A No sir, never was.
Q All that you know about him was that you would occasionally see him at picnics? A Yes sir.
Q You don't know, personally, of your own knowledge, about his residence? A No sir, never was at his house.

WILLIAM WEBBER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William Webber
Q How old are you? A Fifty-four years old last June.
Q What is your post office? A Dewey, Indian Territory.
Q How long have you known the applicant, Russell Henderson?
A I have known him ever since he was about a year old.
Q Do you know where he was born? A No sir, couldn't tell you just exactly where , somewhere up where he was raised.
Q Where has he been living since you first knew him?
A On the Verdigris, Big Creek and around Lenapah.
Q Has he lived in the Cherokee Nation ever since you first knew him?
A Yes sir, never did live any place else since I knew him. He never moved out of the country as I know of.
Q Did he ever remove out of the Cherokee Nation with his effects and property? A I don't think he did.

MR. HASTINGS: What relation, if any, is he to you? A He is a first cousin of mine.

MR. BELL: How long, you say, you have known him? A Ever since he was about a yearold.
Q Is he a married man? A He was, when he was tried and sent to prison.

BY COMMISSION: When did he come back from prison? A He is not back, he is there yet.
Q Do you know when he was sent there? A He was sent there two years ago this fall, if I am right.
Q Sent t here about 1901? A About hat time.
Q Up to the time he was sent there, you say he always livedin the Cherokee Nation? A Yes sir, he lived with me out there for three years, and moved from my place two years ago an marriee, and he was sent to the pen from there.

MR. BELL: Hi s father and mother, did they live there? A yes sir.
Q Did he live with them? A Yes sir, lived with them when he was there.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, andthat the foregoing is a t rue and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Charles W. Sawyer
Notary Public.

Cherokee Freedmen D 929.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Russell Henderson as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 28, 1901, William Webber appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of Russell Henderson as a Cherokee freedman, the said Russell Henderson being at that time incarcerated in prison could not personally appear. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, 1902, and at Vinita, Indian Territory, September 21, 1903. Copies of the testimony taken at various times in the following Cherokee Freedmen cases, viz: William Webber, F D 928, Jane Kernel, F D 856, George Starr, et al., F D 813, Edward Wright, F D 818, and Elizabeth Meigs, et al., F D 391 are made a part of the record herein.

The evidence shows that the applicant, Russell Henderson, was thirty years old at the date of this application and that he is a son of Rachel Webber, now deceased; that said Rachel Webber was the slave of a Cherokee citizen at the commencement of the rebellion; the she left the Cherokee Nation during said rebellion, but returned thereto with William Webber and others and established her residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said nation.

The evidence further shows that Russell Henderson has resided in said Nation continuously from the date of his birth up to about 1901, since which time he has been incarcerated in prison.

It is, therefore, the opinion of this Commission that Russell Henderson should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

W E Stanley
Commissioner.

Muskogee, Indian Territory,
this MAR -5 1904

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the application for the Enrollment of Russell Henderson as a Cherokee Freedman.

F. D. 929.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of the Commission in this case and asks that the record of proceedings be forwarded to the Honorable Secretary of the Interior for Review.

Respectfully,

W W Hastings

Attorney for the Cherokee Nation.

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Russell Henderson,
Lenapah, I. T.
Cherokee F-D-929
Register.

Cherokee Freedmen
D-929.

Muskogee, Indian Territory, September 9, 1903.

William Webber,

[redacted], Indian Territory.

Dear Sir:

In the matter of your applicatien for the enrollment of your cousin, Russell Henderson, as a Cherokee Freedman, you are hereby advised that further testimony is required as to the residence of said Russell Henderson, and whether or not he ever removed with his effects out of the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-929.

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,
Attorney for Russell Henderson,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of William Webber for the enrollment of Russell Henderson as a Cherokee Freedman, you are hereby advised that further testimony is required as to the residence of said Russell Henderson, and whether or not he ever removed with his effects out of the Cherokee Nation.

You are further advisedthat the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant, William Webber, has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D 989

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Russell Henderson as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-19

Chairman.

Cherokee Freedmen
D-928.

Muskogee, Indian Territory, June 30, 1904.

Russell Henderson,
Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting your application for the enrollment of yourself as a Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-41.
Register.

Cherokee Freedman
D-929.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Russell Henderson,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting the application for the enrollment of Russell Henderson, as Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-48.

Register.

COPY.

Cherokee Freedmen

D-929.

Muskogee, Indian Territory, August 17, 1904.

Edgar Smith,

Attorney for Russell Henderson,

Vinita, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting the application of Russell Henderson for enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the Commission's decision.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Commissioner In Charge. Chairman

COPY.

Cherokee Freedmen

D-929.

Muskogee, Indian Territory, August 17, 1904.

Russell Henderson,

Lenapah, Indian Territory.

Dear Sir:

On June 30, 1904, there were forwarded to yourself and your attorney, Edgar Smith, Vinita, Indian Territory, copies of the Commission's decision, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman. Your said attorney has heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby. Chairman

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-929.

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Russell Henderson for enrollment as a Cherokee Freedman, including the Commission's decision, dated March 5, 1904, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby.

Chairman.

Encl. S-88.

Through the

Commissioner of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON? September 27, 1904.

Land.
57610-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the application for enrollment as a Cherokee Freedman of Russell Henderson.

March 5, 1904, the Commission decided favorably to the applicant.

The record shows that Russell Henderson is in prison; that he was thirty years of age at the date of filing his application; that he is the son of Rachel Webber, now deceased, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war but returned thereto prior to February 11, 1867. The evidence shows that Russell Henderson has continuously resided in the Cherokee Nation from the date of his birth up to about 1901, since which time he has been incarcerated in prison.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

COPY

J.F.Jr.

D. C. 12171-1906.
I.T.D. 8164-1904.
LRS

LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

March 28, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 19, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Russell Henderson for enrollment as a Cherokee freedman.

Reporting September 27, 1904, the Indian Office recommended that the Commission's decision, favorable to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated March 5, 1904, is hereby affirmed.

Respectfully,

Thos. Ryan,
First Assistant Secretary.

1 inclosure.

Cherokee Freedmen COPY.

D-929.

Muskogee, Indian Territory, April 6, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1906, granting the application of Russell Henderson for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on March 28, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. S-13

Cherokee Freedmen

COPY.

D-929.

Muskogee, Indian Territory, April 6, 1906.

Edgar Smith,

Attorney for Russell Henderson,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Russell Henderson as a Cherokee freedman, was affirmed by the Secretary of the Interior on March 28, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. S-12

Cherokee Freedmen

COPY.

D-929.

Muskogee, Indian Territory, April 6, 1906.

Russell Henderson,

Box 7,

Fort Leavenworth, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on March 28, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

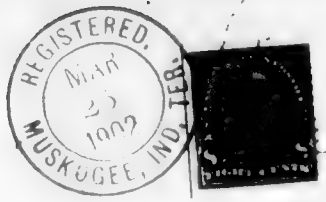
Respectfully,

SIGNED.

Acting Commissioner.

IS


REGISTERED.
APR.
29
1902
BUCKOGEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Mr. Russell Henderson,

~~Lenapah~~, Indian Territory.

Ft Leavenworth
Rec.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

19

REGISTERED

Russell Henderson'

Lenapah, Indian territory.

Cher Fr 1505

Trans. from Cher Fr D 806

Cher Fr 1505

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 29 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of Sarah Whitmire for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants:
W. B. Bell, of counsel for Cherokee Nation.

Sarah Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sarah Whitmire; some calls me Sarah Vann, and Sarah Whitmire.
Q How old are you? A I guess about 52.
Q What is your post office? A Hayden, I. T.
Q What district do you live in? A Goowesscoowee.
Q Now you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got a girl that is kinder mindless and a boy, he is in the penitentiary.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James Whitmire.
Q What are the names of these children? A My husband is dead.
Q What are the names of the children? A Sam Rogers and Mary Rogers.
Q How old is Sam Rogers? A 26 years old.
Q He is in the penitentiary? A Nex, sir, it is Will in the penitentiary.
Q What is the matter with Sam; is he crazy? A No, sir, it is Mary.
Q He is all right is he; he must apply for himself. What is the name of the boy in the penitentiary? A William Rogers.
Q What is the girls name? A Mary Rogers.
Q How old is William? A 26.
Q Howold is Mary? A About 32 I guess.
Q Is William married? A No, sir.
Q Is Mary married? A No, sir, she lives with me.
Mr. Mellette: How old are you? A About 52 I guess.
Q Were you a slave in the Cherokee Nation? A Yes, sir
Q Before the war? A Yes, sir.
Q Who owned you? A Joe Vann.
Q Was he a Cherokee indian? A Yes, sir.
Q A citizen of the Nation? A Yes, sir.
Q Did you live in the Nation during t e war? A Yes, sir.
Q Did you go out? A Yes, sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A In the fall of '66.
Q Who did you come with? A Bill Tucker.
Q Where did you go to? A Down to Spring Creek.
Q Which side of Grand River? A I just can't remember, it is on the west side of Grand River.
Q On this side of Grand River? A Yes, sir.
Q Same side that Chouteau is? A Yes, sir, it is in Saline district, Spring Creek is.
Q Well, were you a grown girl at the time you got back?
A Yes, sir, I was grown and had one child when I came back.
Q What was your father's name? A James Vann.
Q What was your mother's name? A Patsy Vann.
Q Q Did your mother come back with you? A No, sir.
Q Did your husband come back with you? A Yes, sir.
Q What was his name? A James Vann.

Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Rube Still but he is dead.
Q And you came with your husband? A And my husband was arlong with me.
Q Where have you lived since that time? A Well, I have lived so many places right around here in the Territory.
Q What Nation have you lived in since that? A Just right around here, and I have lived on Grand River a while, and on Pryor Creek and now I am living at Lightening Creek.
Q What Nation have you lived in? A I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No, sir, I haven't lived nowhere but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A Yes, sir, on the Clifton roll and the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined, and the applicants identified thereon as follows:
Sarah Whitmire on page 130, No.3238, Cooweescoowee district, as Sarah Wann;
William Rogers on page 130, No. 3243, Cooweescoowee district, as Will Rogers;
Mary Rogers on page 130, No. 3241, Cooweescoowee district.
The Wallace roll examined and the applicants identified thereon as follows:
Sarah Whitmire on page 134, No. 2811, Cooweescoowee district, as Sarah Rogers;
William Rogers on page 134, No. 2812, Cooweescoowee district, as Wm. Rogers.

Mr. Bell: You did you say came back with you? A Bill Tucker.
Q Is that the Bill Tucker that lives on Cabin Creek now up near the Kansas line? A Yes, sir, he is the man.
Q Lives in Cooweescoowee district? A Yes, sir, and another old man they called Rube Still, Harry Still's father, he is dead.
Q Anybody else? A And a half sister if mine.
Q Now where did you come to when you first came here? A Over down on Spring Creek.
Q Whereedid you first come into the Nation? A Why down on Spring Creek.
Q Where did you cross the Kansas line? A Why I crossed the Kansas line up here on Russell Creek, I guess it was, Imdon't know nothing much, only just left Kansas and coming down here to my old home, and I have been here ever since I came.
Q You didn't stop anywheres then after you crossed into the Nation until you got to Spring Creek? A No, sir, I didn't.
Q And you did stop there, did you? A Yes, sir, I stopped there.
Q How long did you stay there? A I guess I stayed there about three or four years I reckon, Idisremember; of course I never did ~~keep the dates exhaust~~ give it a thought, when I was living around, nothing about this excitement going tocome up; if I had don't you know Imwould have kept tract of the dates and the month and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A No, sir, I didn't, never went to the Choctaw Nation; my husband would go to Gibson and haul around there, but I didn't go.
Q Did your husband come back with you? A Yes, sir, he came back.
Q What was his name? A Joe Rogers.
Q You and him went and stopped right on Spring Creek, at what house? A I stopped in with my grandmother, old Granny Nannie some

calls her.
Q How far is that from Katie Williams? A About ten or 12 miles I guess.
Q You stopped then near down about Joe Vann's old place? A Yes, sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that time?
A About three miles I guess.
Q Was she living right at the old Joe Vann place, or at her own place? A She was living at her own place.
Q Was she there when you lived there? A Yes, sir, I guess she was, I saw her the next spring after we came down.
Q What time was that you say you came back? A In the fall of '86.
Q What month? A I just can't tell what month it was.
Q Was it cold weather? A Yes, sir, it was along in the fall like.
Q And you lived there three or four years before you moved off?
A Yes, sir.
Q Then where did you go to? A Moved up in the Lynch's settlement and stayed there a while and then moved over here on Grand River, and then from there went here on Pryor Creek, and stayed there five or six years, and then back over here on Lightening Creek.
Mr. W.W.Hastings, Cherokee Attorney: Your husband, Joe Rogers, got killed? A Yes, sir, he got killed.
Q Bill Pigeon, a full blood indian, killed him? A Yes, sir.
Q And he was indicted at Fort Smith in the United States Court for killing him? A Yes, sir.
Q And they sent for you? A Well, I didn't say it; they summoned me to come down there, and of course I had to go, but I never swore at all he wasm a non citizen here because I knew he wasn't, and they didn't get the man.
Commissioner: What was your maiden name before you were ever married
A My maiden name was Pooley, or some called me Sarah.
Q What was y ur last name? A Sarah Rogers.
Q Before you were ever married? A Before I ever married?
Q Before you married any man? A My name was Sarah.
Q Sarah what? A Sarah Vann.
Q What was your first husband's name? A Joseph Rogers.
Q What was your next husband's name? A James Whitmire.
Q Never been married but twice? A Just twice; James is dead.
Mr. Mellette: Now Sarah, you have no children by Whitmire?
A No, sir.

L. D. Daniels, being duly sworn xx by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A L. D. Daniels.
Q What is your age? A 56.
Q Where do you live? A Postoffice, Claremore.
Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Sarah Whitmire? A Yes, sir.
Q How long have you known her? A I have knowed her something over thirty years.
Q Did you know her husband, Joe Rogers? A Yes, sir, I was well acquainted with him.
Q How long did you know him? A About 36 years, Joe Rogers.
Q When did you first see him after the war? Where did you first see him? A I seen him in Christmas, in '66, at Fort Gibson, at William P. Ross'.
Q Do you know whether he was married to this woman at that time or not? A No, sir, I didn't at that time but I did afterwards.
Q Was she there? A No, sir, he was just there himself.
Q How long after that before you saw her? A It might have been,

I don't know really, I believe it was the next summer I think.
Q Did you see Joe off and on after that? A Yes, sir.
Q What became of Joe? A He got killed.
Q Well, after you got acquainted with this woman, where did she live? A She lived on Grand River in the district of Saline.
Q Which side of Grand River? A On the east side.
Q Which side of Grand River is Spring Creek? A On the east side.
Q It is not on this side then? A No, sir.
Mr. Bell: Was you issuing rations at the time you saw Joe? A No, sir, I was working for Bill Ross at that time.
Q That was Christmas of '66? A Yes, sir.
Q What was Joe doing at Bill Ross'? He went there to get an order to see if he could 't kill some beeves for his folks.
Q What time in Christmas was that? A It was just after Christmas, it must have been about the 28th or '9th of December, '66.
Q How long did he stay there? A Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or maybe longer before I found out what he was after.
Q Well he left there then did he? A Yes, sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.
Q That was in '66? A Yes, that was in December, the latter part of December.
Q Then had had a law then authorizing the killing of these beeves? A They didn't issue the order whether there was any law or not, they had stopped at that time, the way he told Joe.
Q Wasn't there an act of Council authorizing beeves killed, stray cattle? A I don't know anything about that, Imgot two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the chief just issued you orders to go out and kill cattle? A I guess so, he told me.
Q What is what you done? A Yes, sir, got an order from Chief Downing, and it was the customs.
Q Well, Joe left then, did he, and went off? A Yes, I guess he did; I seen him the next summer after that; I was up there and seen him, up to Spring Creek in the Cherokee Nation.
Q Where was he living? A Living right on the old military road that leads to Tahlequah.
Q What place? A Just the other side of old Man Vann's between that and the mountain.
Q How far from old man Vann's? A Might have been a mile and maybe farther and maybe not quite so far.
Q Don't make it so idenfinite; can't you make it a little more definite than that? A I think that is enough.
Q Might have been a mile and might have been more and might have been less? A It was in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A Yes, sir, the next summer.

Frank Ross, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Frank Ross.
Q What is your age? A 55.
Q Where do you live? A Lightening Creek.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q On the 1880 roll? A Yes, sir.
Q Do you know the applicant, Sarah Whitmire? A Yes, sir.
Q What was her name before it was whitmire? A Rogers
Q

Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Rogers.
Q How long did you know Joe Rogers? A Knowed him ever since he was a boy.
Q How long have you known Sarah? A Known him ever since she was a girl, raised together.
Q Who was her master? A Joe Vann.
Q Is he a Cherokee indian? A Yes, sir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A I seen them in '80 on Spring Creek.
Q Where is Spring Creek? A East of Grand River.
Commissioner: Seen who?
Mr. Mellette: A Joe Rogers and this applicant here.
Q Where did they live after that? A They moved up on Grand River after that and then moved over on Pryor Creek and then they moved on Lightening where she is living now.
Q What became of Joe Rogers? A He got killed.
Q Who killed him? A Bill Pigeon, a Cherokee.
Mr. Bell: Where were you living at, Frank?
A Living down on the old Tom Rider place in '86.
Q That the time you saw this applicant? A Yes, sir, I had been down to Tahlequah and I was coming back home, and I saw them on Spring Creek close to old Joe Vann's.
Q What time of the year was that? A In the fall of '86.
Q How long had they been there? A I don't know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A Yes, sir, stopped there a little while.
Q Was that house right on the road? A It was close to the road, it wasn't right on the road.
Q Wasn't it half a mile from the road? A I don't think it was quite a half a mile.
Q Didn't the old road go by old man Joe Vann's place? A Not right along there: there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road don't lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads, one forks and runs up on Spring Creek, and one forks and goes by this place.
Q That is after you pass the old man? A Yes, sir, not far: he lived below the road, kinder west of the Tahlequah road.
Q Well, didn't you have any talk with them about when they had come?
A No, never had any talk about when they came, but I saw them there.
Q Your were acquainted with them before? A Yes, sir, I knew Joe Rogers and knew her hen they were boys together.
Q And you just happened up on them there? A I came from Tahlequah and stopped in there.
Q How did you know they lived there? A Because I knew they lived there, I heard: I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the Creek, Rab and House Rogers, and a whole lot of them living up there.

Katie Vann, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Are you a recognised freedman citizen of the Cherokee Nation?
A Yes, sir.
Q Where dod you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes, sir.
Q How long have you known her? A Ever since she was a little child.

Q Did you know her owner before the war? A Yes, sir.
Q Who was that? A Joe Vann.
Q Do you have any knowledge as to when she came back to the Cherokee Nation after the war? A She came back in '66.
Q How do you know? A I saw them
Q Where did you see them? A On Spring Creek, in Saline district.
Q Where has she lived since that time, what country? A She moved off over there about the river, I don't know whether it was Cooweescoowee district or Delaware district.
Q Have you known her from that time on? A Yes, sir.
Mr. Hastings: Did you go to Kansas yourself or during the war?
A Yes, sir.
Q Who brought you back? A My husband.
Q What was his name? A Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A In the spring of '66.
Q Did you make a crop down there that year, or your husband?
A No, my husband didn't, but my brother in law did.
Q On whose place? A Martha Vann's and Dave Vann's.
Q Did you know Mrs. Archer before the war? A Yes, sir.
Q Know her after the war? A Yes, sir.
Q Where was she living when you came down there? A Living on Grand River on her old place where we left her when we moved out of the country.
Q This woman come back before after you did? A Yes, sir.
Q Who brought her back? A Her husband.
Q What was his name? A Joe Rogers.
Q He was a colored man, was he? A Yes, sir.
Q Anybody else come back with them? A Yes, sir.
Q Who? A William Tucker and his family is all I know of.
Q That is all you remember? A That is all I can remember of coming back with them.
Q Where did they first live? A Lived right across Spring Creek east of where I lived.
Q How far was that from the old Vann place? A Well about two miles I guess, or might be more..
Q What direction? A East; kinder southeast.
Q How far was that from where Mrs. Archer lived? A About four miles, as near as I can guess.
Q How long did Joe Rogers live there? A I don't know, about a year or two.
Q Was he killed there? A No, sir.
Q Where was he killed? A He was killed up in this district.
Q Bill Pigeon, a full blood indian, kill him? A Yes, sir.
Q He was indicted in Fort Smith? A I don't know about that.
Q You know he was indicted and scouted for it from the United States authorities? A Yes, sir.
Q What Cherokees was living around there at the time that they first located there? A Well, Miss Gonsine.
Q Frank Gonsine's wife? A His mother, he was with his mother, he wasn't married then, and the Clingans, and Blackbird and Roastenear.
Q Did you testify before the Kern-Clifton Commission for this woman? A No, sir, she had other witnesses.
Q Did they make a place there? A Yes, sir.
Q And they lived there a number of years, did they? A They lived there about a year or two, I don't know which, they made a little field, small field, and lived there, and made a crop there.
Q Did all the colored people on that place come back here in '66?
A I don't know about all of them, but them I seen I know.
QQ Do you know any other years but '66? A Yes, sir, I know some years.
Q What year were you married? A I don't know.

Q What year were you born? A I don't know.
Q What year was your oldest child born? A I can't know the year it was.
Q What year was the Wallace Court? A I have got it down in a book.
Q What year was the Wallace Court? A I don't know.
Q What year did the Kern-Clifton Court sit? A I don't know; I don't want to answer them questions, that is not the kind I am meant to answer; I am here for her, I don't - - -
Q You don't know any dates? A I am not telling any lie at all about it.
Q Do you know one date from another? A Yes, sir, I do, I know some.
Q You don't know any of those dates? A I ~~ex~~ know some but I don't know all, but I know '66 because they told us about '66 and sent for us.
Q Have they told you about that year since? A No, sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband carried the papers out.
Q Was that after the treaty was made? A No, sir, it was before.
Q And the papers was carried out before the treaty? A Yes, sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A Well she come in the same year, I know one spring to another is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.
Q And you remember 35 years when you saw a person come in the neighborhood? A I can remember when I saw a person where I saw them; I can't read and write.

Sarah Whitmire, recalled, testified:

Commissioner: Why isn't William Rogers here? A He is in the penitentiary.
Q Where at? A Columbus, Ohio.
Q He is living, is he? A Yes, sir.
Q How long is he sentenced for? A Five years.
Q How long has he been there? A Four years, he hasn't been there four years.
Q Why isn't Mary here? A She can't come here, Mary is kinder mindless, something or 'nother, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A No, sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A Yes, sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A No, sir, she wouldn't.
Q Did Mary come back with you when you came? A No, sir, Mary was born here.
Q William was born here? A Yes, sir, after I came back.
Mr. Hastings: What is William Rogers convicted of? A It is cattle, if he did it.
Q Steaking cattle? A Yes, sir, he denied he did it.
Q Who from? A Lewis Wright.
Q This colored man Lewis Whitmire? A Yes, sir.
Q He is a citizen of the Cherokee Nation isn't he? A Yes, sir.
Q When was he convicted? A It is going on four years now since he was convicted.
Q From steaking from this Lewis Whitmire, who is a citizen here of the Cherokee Nation? A Yes, sir.

Sarah Whitmire - 8.

Commissioner: You don't know whether Lewis Whitmire is on the 1880 roll or not? A Yes, sir, he is, but of course the United States Court taken the case.
Q Do you know Lewis Whitmire is on the roll of 1880? A Yes, sir.
Q How do you know that? A Have always claimed to be 1880 people.

Commissioner Needles: Sarah Whitmire applies for the enrollment of herself and William Rogers and Mary Rogers. She avers that she was the slave of Joe Vann, and that her maiden name was Vann; that she first married one Joe Rogers, by whom she had ~~xixhii~~ the two children for whom she applies. Since the death of Joseph Rogers, she has married to one James Whitmore, who is now living. She presents proof as to her citizenship and that of her husband. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1866. She is duly identified upon the Kern-Clifton and the Wallace roll, on the Kern-Clifton roll as Sarah Vann, and on the ~~Xxxx~~ Wallace roll as Sarah Rogers. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She applies for the enrollment of her son, William Rogers, 26 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear for himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern-Clifton and the Wallace rolls. He cannot be identified upon the authenticated roll of 1880. She also applies for the enrollment og her child, Mary Rogers, whom she claims is non compos, and not in a mental condition sufficient for her to testify; she is not married and lived with her, the applicant. Mary Rogers is duly identified upon the Kern-Clifton roll. They are duly identified, but by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah Whitmire and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee Freedmen.

Sarah Whitmire, recalled, testified:
Mr. Melletts Do you remember exactly when that boy was arrested?
A Ask that Man (indicating) he said, he knows.
Q I say do you know? A Yes, sir.
Q When was that? A It has been three years ago since he has been arrested.
Mr. Hastings: Where was he tried? A He was tried in Vinita.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of June, 1901.

Commissioner.

B F806

FILED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 21, 1901

Post Office Hayden I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District ..... Doubtful

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

11. Name of wife Sarah Whitmire Age 52

Owner's name Jos. Vann Citizenship Cherokee

Year 1896 Page 130 No. 3238 District Coo

Parents:

Father James Vann Citizenship .....

Mother Patsy " Citizenship .....

Names of Children:

3.	Sapproset	Year	Page	No.	Dist.	36
21.	William Rogers	Year 1896	Page 130	No. 3243	Dist. Coo	26
31.	Mary "	Year "	Page 130	No. 3241	Dist. Coo	32
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Doubtful

Application made by No. 1 Stenographer B.C. Jones

1 Ex. rel. Lolleas Sarah Vann

" Wallace, vol. P. 134 # 2811 - Sarah Rogers Coo

2 " " " " 134 # 2812 - Wm Rogers Coo

" No. 2 - Ex Parte, at Columbus Ohio.

" 3 " " "

Represented by Mellette and Smith.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 30 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

_____

Cher Cherokee Freedmen #

F.D. 806

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this ..... day of .....A. D. 190 .....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ....day of ....., 190..

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A. D. 190 .....

Subscribed and sworn to before me this .....

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

ASSISTANT CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Sarah Whitmire for enrollment as Cherokee citizens:

Case No. D 806

To Sarah Whitmire or Kellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Cherokee Freedman p-806, Sarah Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Mary F. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 76 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek.
Q Now how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your father living there, you say, when the war came up? A Living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war.
Q Did you ever come back in the neighborhood of your old home place on Spring Creek? A After the war, yes, came right back.
Q Well, when did you come there? A We came there just a year after the war.
Q Now which year was that, you mean in the year '65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I lived on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father by the name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes, sir.
Q You know of the circumstance of her husband being killed? A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?

Mr. Mellette: I object to that question because it is leading.

Commissioner: You can ask her when she lived there; it is better to have asked when she came back; the question is leading, there is no question about.

A No.

Commissioner: She has answered no.

Q Now Mrs. Archer, about what time did you move on this place, of your father's, after the war, what time of the year? A In the spring.

Q Of what year, I mean '66 or '65 or '7? A About '65.

Q And how long did you live on it? A About a year I think, and then I moved on my own place; it was right there though.

Q This woman belonged to your father did she when the war came up? A Yes, she lived with him when the war came up.

Q Now how long did you say you continued to live on that place within three quarters of a mile of your home place? A I lived on it for about 15 years, maybe longer.

Q Did you ever see this woman, Sarah Vann, who afterwards Joe Rogers, after the war? A Never met her.

Q And yet you lived there within three quarters of a mile of the old place? A Yes, sir.

Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No,,I don't think she did, I certainly would have heard of her.

Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it.

Mr. Mellette: Well Mrs. Archer, you say you moved in that neighborhood in '65? A Yes.

Q Well then you changed places in '66, is that the idea? A Yes, about that.

Q Did you travel over the country a good deal after you came there?

A No, just around the neighborhood.

Q You didn't see this woman there at all? A No, never met her, never heard of her.

Q As a matter of fact you don't know where she was? A No.

Commissioner: This testimony will be filed with the original testimony in the case, and will also be made part of the record in D-932 and D-991.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 25th of October, 1901.

C. R. Breece

Commissioner.

KD-806

KD-806.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Hellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[redacted]

Sarah Whitmire, et al D 806

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

RECEIVED
OCT 17 1988
COMMISSIONER TO THE TRIBES

C.F.D-806.

Department of theInterior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of SARAH WHITMIRE, et al., as Cherokee Freedmen.

Appearances:
W. W. Hastings, J. S. Davenport, and L. B. Bell, attorneys for Cherokee Nation.

SARAH WHITMIRE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Sarah Whitmire.
Q How old are you? A Fifty-nine years old.
Q What is your post office? A Hayden.
Q Are you the same Sarah Whitmire who made application for enrollment as a Cherokee Freedman before the Commission? A Yes sir.
Q Do you know William Rogers? A Yes sir, he is my son.
Q Do you know Mary Rogers? A Yes sir, she is my daughter. She can't be here, she is not in her right mind.
Q How long has William Rogers lived in the CherokeeNation?
A He has lived in t he Cherokee Nation always. He was bred and born here. This lady (indicating bystander) was the first lady that dressed him when he was born.
Q Did he live here all his life in the Cherokee Nation?
A Yes sir, all his life.
Q How long has Mary Rogers lived in the Cherokee Nation?
A Thirty years.
Q Where was she born? A Born down here on Spring Creek. My grandmother was Mary, and Patsy Whitmire's grandmother, and Mrs. Frye over here was William's grandmother, and Gus Rogers was another lives right there.
Q You needn't go into the relationship now. How long has Mary Rogers lived in the CherokeeNation?
A She haslived in the CherokeeNation all of her life. Mary Rogers was bred and born ri ht here on Spring Creek. My grandmother was Mary Rogers's grandmother, and Patsy's Whitmire's grandmotner, she's dead, but the other is living. I come today just to tell the truth and let it go as it may.
Q What relation isPatsy Whitmire to you? A She is my daughter.
Q How long has Patsy Whitmire lived in the Cherokee Nation?
A All of her life. She was born down here on Spring Creek, and she has never been over the state line as long as I have been here, and I have never been in Coffeyville, just the time I was up there in Nowata, it was when I went there to enroll with the court.

MR. HASTINGS: Are you the widow of Joe Rogers?
A Yes sir, and afterwards I marri ed a man named Jim Cline, and his father was a Whitmire, and they change dmy name after I married into his name. That is why I go by the name of Sarah Whitmire.
Q Are both of those children grandchildren of yours, William and Mary? A No sir, William and Mary is my own children by my first husband, Joe Rogers.
Q They are your children by J e Rogers? Yes sir, and Patsy Whitmire is my daughter.

CYNTHIA LYNCH, beingfirst duly sworn, and being examined, testified as follows:

BY COMMISSION: What is y ur name? A Cynthia Lynch.
Q How old are you? A I will be fifty-fo ur years old my next birthday.
Q What is your post o fi ce? A Vinita.
Q Are you acquain ted with William and Mary Rogers? A Yes sir.
Q Where was William Rogers born?
A He was born in what they call - that William Rogers I never knew was her boy. He was born where they call the old McLean place on Grand River, on this side of the river, on the old Joe McLean place.
Q In what Nation? A CherokeeNation, r ight here on Grand River, Delaware District.
Q How long did William Rogers live in the Cherokee Nation after that?
A He has always lived in the Cherokee Nation, to my knowledge, except when he was in the pen two or three years ago.
Q When was he sent to the penitentiary? A I don't remember just how long it has been, never paid no attention.
Q How long did he stay there? A She (Sarah Whitmire) states he stayed there three years. I never paid no attention, just knew that he was gone and knew he came back.
Q When did he come back from the penitentiary?
A I don't know when he came back. While they was still taking the census, I believe. I think when they was takin the census at Nowata.
Q Was it in 1896? A I don't know, I wouldn't try to give any account of it, of his coming and going, but I know he went to the pen and came back, her boy, William Rogers, if that's the man you are getting at.
Q Where was Mary Rogers born?
A I don't know. At the time William was born shewas a good big big girl, but she always to ld me she was born on Spring Creek.
Q When did you first get to know Mary Rogers?
A I knew her when she was just a girl. I never knew her until she moved up on Spring Creek.
Q How long have you known Mary Ro ers? A I guess William must be about thirty two or thirty-three years old, and I have known Mary Rogers ever since she was grown. I can't give you the exact dates, because I paid no attention to it.
Q Have you known Mary for the last twenty years? A Yes sir.
Q Where has she lived ever since you knew her?
A Just about, first one place and then another. She is an idiot. She would go to one place and stay until she was ready to go, and then go to another place.
Q Has she lived in the Cherokee Nation always?
A Never was out of the Cherokee Nation to my knowledge.
Q The father of these children was killed? A Yes sir.
Q What was his name? A Joe Rogers.
Q Who killed him? A Bill Pigeon.

SARAH WHITMIRE, recalled, t stified as follows:

MR. HASTINGS: You say William Rogers had be n to the pen?
A Yes sir.
Q From what court? A Cattle.
Q From what court was he convictedand tried? A Muskogee.
Q Convicted of larceny? A Yes sir.
Q Whose cattle was he charged with stealing? A Old man Lewis Ross, my son-in-law's father.

Q When was he convicted and sentoff?
A I just can't tell you. I know he was gone from here three years before he came back. I can' t read, and Dn't know nothing like that, and never was allowed the privilege of knowing. I just have to see--
Q How long has it been back? A He hasbeen back - he came back in the time of the court, time enough to enroll himself, but I never have bothered --
Q Did he come back for his last enrollment?
A Yes sir, he did, just before the court closed.

CYNTHIA LYNCH, recalled, testified as follows:

BY COMMISSION: Who is the mother of this William and Mary Rogers? about whom you are testifying?
A This woman right here.
Q What is her name? A We always call her Polly, that is just a nickname.
Q What is her right name? A Sarah.
Q Sarah what? A I never knowed nothing but Rogers. Her last man was Whitmire, but when she lived neighbors to me she was Sarah Rogers.
Q Is Sarah Whitmire, the applicant in this case, the mother of William and Mary Rogers, that you have been talking about?
A That's the only one I have known. That woman is the mother of te Mary and William Rogers that I have always known.
Q Who do you mean by this woman? A This here Polly Rogers, or Sarah Rogers, Sarah Whitmire. She married a man after Joe was killed, called Whitmire.
Q This Sarah Whitmire, then, is the mother of William and Mary Rogers? A Yes sir.

Wm. Hutchinson, being first duly sworn, ~~xxxxx~~ states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and com plete transcript of his stenographic notesthereof.

Wm Hutchinson

Subscribed and sworn to before me this 12th day of October, 1903.

Charles W. Sampson
Notary Public.

F19801

COMMISSION TO FIVE TRIBES.

No.	Received	ENROLLED	
11291 1905	MAR 10 1905	Book	Page

INDEXED

Rogers, William,

Reports that Charles B. Rogers will act as his attorney in citizenship case.

CHEROKEE ENROLLMENT.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSCOGEE, I.T.

IN THE MATTER OF THE CASE OF SARAH WHITMER,
A CHEROKEE FREEDMAN CITIZEN--BEFORE THE COM-
MISSION TO THE FIVE CIVILIZED TRIBES.

TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES AND
THE SECRETARY OF THE INTERIOR:

You are hereby notified that some time ago I entered into a contract of employment with CHARLES B. ROGERS, of Vinita, I.T. as my attorney for me in my citizenship case---and ask that all communications be addressed to him in regard to said case-- also any decision rendered therein be addressed to me in his case, at Vinita, I.T.

William Kegans

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Whitmire, et al., as Cherokee freedmen, consolidating the applications of

Sarah Whitmire et al	Cherokee Freedmen D 804
Patsy Whitmire	Cherokee Freedmen D 932
Augustus Rogers	Cherokee Freedmen D 991
Sam Rogers	Cherokee Freedmen D 1122

D E C I S I O N .

The record herein shows that the applications were made to this Commission by Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire, for his wife, Patsy Whitmire; by Augustus Rogers, for himself, and by Eliza Rogers, for Sam Rogers, as Cherokee freedmen.

The evidence shows that Sarah Whitmire was the slave of one Joe Vann, a Cherokee citizen, at the commencement of the rebellion, and left the Cherokee Nation during said rebellion returning thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. versus Cherokee Nation, et al. for the return of freedmen to the Cherokee Nation.

The evidence further shows that Sarah Whitmire is the mother of all the applicants herein; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his said mother and has continued to live in said Nation continuously since that time.

The evidence further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return thereto as hereinbefore shown, and that her children, William, Mary and Augustus Rogers, and Patsy Whitmire, were born in said Nation subsequent to their said mother's return thereto as hereinbefore shown, and have lived therein all their lives.

It is, therefore, the opinion of this Commission that Sarah Whitmire, William Rogers, Mary Rogers, Patsy Whitmire, Augustus Rogers and Sam Rogers should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

this MAR 23 1905.

F.D 806

MAP

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Sarah Whitmire,
Hayden, I. T.
Cherokee-F-D-806.
Register.

COPY.

Cherokee F.D-806

Muskogee, Indian Territory, February 5, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

The Commission is this day in receipt of telegram from Louis T. Brown, Vinita, I.T., as follows: "Send me first mail testimony in D-806."

There is enclosed you herewith one copy of all the testimony on file in Cherokee Freedman doubtful case D-806, Sarah Whitmire et al., and Louis T. Brown has this day been advised to that effect. The Commission has also advised him that he will be permitted to examine this record if it is found that, as attorney for the applicants, he is entitled to that privilege.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. M-221

COPY.

Cherokee F.D-806

Muskogee, Indian Territory, February 5, 1903.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your telegram, dated this day, as follows: "Send me first mail testimony in D-806."

In reply, you are advised that there has this day been forwarded to P. G. Reuter, Clerk in Charge Cherokee Land Office, Vinita, I.T., one copy of all the testimony on file in Cherokee Freedman doubtful case D-806, Sarah Whitmire et al., with instructions to permit an examination of same by you, if it is found that, as attorney for the applicants, you are entitled to this privilege.

Respectfully,

Acting Chairman.

Cherokee Freedmen
D-806.

Muskogee, Indian Territory, September 9, 1903.

Sarah Whitmire,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your two children, William and Mary Rogers, as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence in the Cherokee Nation of said William and Mary Rogers.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-806 .

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,

Attorney for Sarah Whitmire, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Sarah Whitmire for the enrollment of herself and children, William and Mary Rogers, as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of the said William and Mary Rogers.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

(C O P Y)

Tahlequah, Indian Territory, February 11, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Upon careful reconsideration , I am of the opinion that the applicants in Cherokee Freedman Doubtful case 806, 932, 991 and 1122 consolidated, Sarah Whitmire et al., should be denied enrollment.

They all depend upon the date of the return of Sarah Whitmire after the treaty of 1866.

She says she has been here all the time; but she is not on the '80 roll or the '96 roll. None of them are on any of these rolls.

Her testimony is completely refuted by that of Mrs. Archer, daughter of her former owner.

Lewis Daniels, a professional witness, is too indefinite to be of any value, even if he could be believed; and the other witnesses for her add no strength to her case.

I suggest the case be reconsidered and that all of these applicants be denied enrollment. If this is not concurred in, I vote no, and hope the case will go to the Department for final determination.

Respectfully
(Signed) C.R. Breckinridge
Commissioner in Charge.
Cherokee Land Office

MH
Enc. H-024

COPY.

Cherokee Freedman
D-806.

Muskogee, Indian Territory, February 27, 1905.

Charles B. Rogers,
Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 15, 1905, relative to the enrollment of Sarah Whitmire et al., as Cherokee freedmen. You ask to be furnished with a copy of the testimony in this case.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of the said Sarah Whitmire et al., as Cherokee freedmen. You are further advised that Edgar Smith, Vinita, Indian Territory, former attorney in this case, has heretofore been furnished with a copy of the record of proceedings, and the Commission cannot undertake to furnish the additional copy requested.

Respectfully,

(SIGNED): Tams Bixby. Chairman,
Commissioner in charge.

COPY.

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, March 23, 1905.

Sarah Whitmire,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for the enrollment of yourself and William and Mary Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-68.
Register.

COPY.

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, March 23, 1905.

Edgar Smith,

Attorney for Sarah Whitmire, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for the enrollment of Sarah Whitmire, William and Mary Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-72.
Register.

COPY.

Cherokee Freedmen

D-806 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Sarah Whitmire, et al. as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-74.

COPY.

Cherokee Freedmen
D-305 et al.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sarah Whitmire et al. as Cherokee freedmen, including the Commission's decision dated March 23, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Incl. 8-75.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:

Land.
22979-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the applications for enrollment as Cherokee Freedmen by Sarah Whitmire for herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Eliza Rogers for Sam Rogers.

March 23, 1905, the Commission decided favorably to all the applicants. There is filed a dissenting opinion by Commissioner Breckinridge.

The record shows that Sarah Whitmire was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and returned to the Nation on or before February 11, 1867. The record further shows that Sarah Whitmire is the mother of all the other applicants; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his mother and has

continued to live in the Nation since that time. The record further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return, and that her children, William, Mary and Augustus Rogers and Patsy Whitmire were born in the Nation subsequent to their mother's return and have lived therein all their lives.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

COPY.

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, May 20, 1905.

Charles B. Rogers,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 11, 1905, asking to be advised as to the status of the application for the enrollment of Sarah Whitmire, et al. as Cherokee freedmen.

In reply you are advised that the Commission's decision dated March 25, 1905, granting the applications for the enrollment of the said Sarah Whitmire, et al. as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was forwarded to the Secretary of the Interior on that date for his review and decision. You are further advised that the Commission has not been informed of any departmental action in this case.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.17759.
I.T.D.3612-1905. May 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision of the same date, granting the applications of Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Sam Rogers for himself, as Cherokee freedmen. With the decision of the Commission was also transmitted a dissenting decision by Commissioner C. R. Breckinridge.

Reporting April 7, 1905, the Indian Office recommended the approval of the decision favorable to all the applicants. A copy of its letter is inclosed.

The only testimony adverse to these applicants appears to be that of Mary F. Archer, daughter of Joseph Vann, who, prior to the war, owned Sarah Whitmire. It is not considered that Mrs. Archer's testimony is sufficient to over come the evidence presented in favor of the applicants. The principal question

-Copy-

asked Mrs. Archer was leading, relative only to the return of Sarah Whitmire and her husband to the old home place of the Vanns. Sarah Whitmire testified that she returned to her grandmother's, three miles from where Mrs. Archer lived.

In view of these facts, the decision of the Commission to the Five Civilized Tribes dated March 23, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.
LC

Cherokee Freedmen

D-806, et al.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the applications for the enrollment of Sarah and Patsy Whitmire and William, Mary, Augustus and Sam Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-64
LS

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, May 22, 1906.

Sarah Whitmire,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 20, 1905, granting, among others, your application for the enrollment of yourself and children, William and Mary Rogers, as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, May 22, 1906.

Edgar Smith,

Attorney for Sarah Whitmire, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application of Sarah Whitmire for the enrollment of herself and children, William and Mary Rogers, as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-65
LS

Acting Commissioner.

Cher Fr 1506
Trans. from Cher Fr D1122

Cher Fr 1506

FILED
MAR 17 1961

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 14th 1901

In the matter of the application of Eliza Rogers for the enrollment of herself and her husband as Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Eliza Rogers.
Q Who do you want to have enrolled? A. Just myself.
Q Do you apply as a Cherokee Freedman? A. Yes sir.
Q How old are you? A. 19, going on 20.
Q What is your post office address? A. Ketchum.
Q In what district do you live? A. Delaware.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Give me the name of your father? A. Jack Baldridge.
Q Is he living? A. Yes sir.
Q Give me the name of your mother? A. Nancy Baldridge.
Q Is she living? A. No sir.
Q How long has she been dead? A. Going on four years.
Q You are married are you? A. Yes sir.
Q What is the name of your husband? A. Sam Rogers.
Q When were you and he married? A. In 1896.
Q Have you a marriage certificate? A. No sir.
Q Is there any one here that knows that you and he were married?
A Yes sir.

JACK BALDRIDGE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified on the part of the applicant as follows:

Q What is your name? A. Jack Baldridge.
Q How old are you? A. I dont know exackly.
Q As near as you can come at it? A. About 46.
Q What is your post office? A. Vinita.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here? A. Yes sir.
Q Is she your daughter? A. Yes sir.
Q What is her name? A. Eliza.
Q She is married is she? A. Yes sir.
Q To whom is she married? A. To Sam Rogers.
Q A Colored man? A. Yes sir.
Q He is a State man is he not? A. I dont know sir.
Q Are he and his wife living together? A. Yes sir.
Q About how long has it been since she and Sam Rogers were married?
Q She was married before the Dixon payment.
Q That was in 1896? A. Yes sir.
Q She was married before that? A. Yes sir.

Applicant re-called and examined by the Commission:

Q Why don't you apply for your husband? A. Iddon't exackly know his age.
Q Where is he? A. At home on Grand river.
Q Don't he intend to apply for himself? A. Yes sir.
Q You and he are living together are you not? A. Yes sir.
Q You had better apply for him? A. Well.
Q About how old is he? A. About 35.
Q Your husband claims to be a freedman of his own right does he?
A Yes sir.
Q You dont know how long he has lived in the Cherokee Nation do you?
A No sir I dont
Q How long as far as you know? How long have you known him? A. I have been knowing him for five years or so.
Q Has he been living in the Cherokee Nation ever since you knew him?
A Yes sir
Q You dont know where he lived before you married him? A. No sir, he said that he lived on Spring Creek, and then on Grand river, and then on Lightening creek'
Q Do you know of him living anywhere else besides in the Cherokee

Elisa Rogers 8.

Nation? A No sir.
Q Do you know his father's name? A. Yes.
Q Is he dead? A. Yes sir.
Q Give me the name of his mother? A. Sarah Clines.
Q Is she dead? A. No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's husband not found thereon.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants mother found hereon asfollows: Page 351, No. 590, Nancy Baldridge, Delaware district.

Q Did you draw your Cherokee strip money? A. Yes sir, I drawed my Freedman money.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 8, No. 199, Elisa Baldridge, Cooweescoowee district.

The 1896 census roll, and the Kerns Clifton roll of the Cherokee Nation examined and the applicant's husband notfound hereon.

Q Has your husband been in prison that you know of? A. No sir.

By Com'r Breckinridge,- The applicant applies for the enrollment of herself and her husband as Cherokee Freedmen. She is too young to be upon the 1880 authenticated roll, but her deceased mother is identified thereon, and the applicant herself is identified on the Kerns-Clifton roll; her change of name arising from marriage, is as established in a satisfactory manner by the testimony of her father as well as by her own testimony. She has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee Freedman.
Her husband is shown to have married her some four years ago. It is claimed that he is a Cherokee Freedman in his own right; he cannot be identified upon any roll of the Cherokee Nation in the possession of the Commission, and it is not established that he has lived in the Cherokee Nation, so far as the present testimony discloses,for more than five years. The application for his enrollment will be listed for rejection, he being classed as a Cherokee Freedman.

* * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 16th of May, 1901 at Vinita, I. T.

Breckinridge

Commissioner.

VB. J.C.R. 78

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 14 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May. 14. 1901

Post Office Kirkhaven I.T.

District Del.

1. Name Sam Rogers. Age 35

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by W.H.H.

Stenographer Van Hüsa

F01127

R
Cher Freed.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of SAM ROGERS, for the enrollment of himself as a Cherokee Freedman:

SAM ROGERS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Sam Rogers.
Q How old are you ? A I don't know exactly, but I expect about 36 or 7.
Q What is your post office address ? A Ketcher, I. T.
Q What district in the Cherokee Nation are you living in ?
A Delaware.
Q Do you apply for the enrollment of yourself as a Cherokee Freedman ? A Yes sir as a freedman.
Q Do you want to enroll anybody beside yourself ? A No sir.
Q What is the name of your father ? A Joe Rogers.
Q Is he living or dead ? A He's dead.
Q Was he a state man or a Cherokee freedman ?
A He was a Cherokee freedman.
Q Who did he belong to ? A I don't know.
Q What is the name of your mother ? A Sarah Vann.
Q Is she living ? A Yes sir.
Q Is she a Cherokee freedman or a State woman ?
A A Cherokee freedman.
Q Where does she live ? A On Lightning Creek.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen ? A Yes sir.
Q Have you ever drawn any money ? A Yes sir.
Q When ? A I drawed money twice.
Q When was that, the Wallace and Kern-Clifton payments ?
A Yes sir.
Q Have you ever been enrolled ? A Yes sir.
Q Where were you born ? A In Kansas, my mother said.
Q How long have you been in the Cherokee Nation ?
A I don't recollect; I have been here all the time.
Q Have you ever been out of the Nation ? A No sir.
Q Never lived outside ? A No sir.
Q Never lived in Kansas ? A No sir.

Examined by Mr. Hastings:

Q Why didn't you apply at Vinita ? A I was sick.
Q Were you sick every time we were there ? A No sir, I did go over there the last time, but it was about the time they were winding up, and I thought I would come to Muskogee. Then I went up there not long ago, and they said they were not enrolling any freedmen.
Q Your father was killed by Bill Pigeon ? A Yes sir.
Q He was a full blood Cherokee over in the Cherokee Nation ?
A Yes sir.
Q He's been scouting ever since ? A Yes sir.
Q They had a writ out for him from the United States Court in Arkansas ? A I don't know.
Q Weren't they after him ? A I don't know. I know he killed my father and they never did do anything with him about it.
Q You live at Ketcher, you say ? A Yes sir, I have voted there many and many a time.
Q Are you married ? A Yes sir. I am married now.
Q Who did you marry ? A Jack Baldridge's daughter.
Q She's already enrolled ? A Yes sir.
Q Were you ever married except to her ? A That's all.
Q Have you always lived in Delaware District ? A Yes sir

Q Ever since you can remember ? A Yes sir.
Q How have you worked any out in Kansas ?
A No sir, I never worked out in Kansas, not across the line in my life.
Q You have been right there in Delaware District ? A Yes sir
Q Were you born in Ketcher ? A No sir, on Lightening Creek, there.
Q That is not in Delaware ? A Well, it's been a long time ago. I came from Lightening Creek down to Vinita
Q The first time you were old enough to remember, where were you living ? A Down here in the six mile bottom.
Q In Saline District ? A I don't recollect.
Q Which side of Grand River were you on ? East or West side ?
A On the west side.
Q You have been working up in Kansas ?
A I never worked across the line in my life.
Q Never in Oklahoma ? A No sir.
Q Ever in Arkansas ? A No sir.
Q Were you ever in Texas ? A Never was in Texas. I have been right here in this country.
Q I don't see why you haven't applied, we were at Vinita four or five times ?
A I was sick, and I thought my mother could enroll me, and I sent her there, and she couldn't, and I thought I would wait and enroll most any time; that's just what I thought about it.

--The roll of 1880 examined and the name of the applicant does not appear thereon.

Q Did you ever live in Tahlequah district, Sam ? A No sir never never did.

--The roll of 1896 examined and the name of the Cherokee applicant does not appear thereon.

Q Did you ever have a brother named William ? A Yes sir.
Q One named Henry ? A No sir.
Q One named August ? A No sir, Gus.
Q Had you a sister named Mary ? A Yes sir.
Q Did you draw Kern-Clifton money ? A Yes sir.

--Kern-Clifton roll, page 153, # 4245, Sam Rogers, Coowesscoowee District;
--Wallace roll, page 134, # 2308, Samuel Rogers, Coowesscoowee District;

--Sam Rogers applies for the enrollment of himself as a Cherokee Freedman; he is not identified upon the roll of 1880 nor the census roll of 1896. He is duly identified on the Wallace roll and the Kern-Clifton roll of Cherokee Freedmen; and avers that he has been residing in the Cherokee Nation continuously since he has been old enough to remember.

For the reason that his name is not found upon the rolls of 1880 and of 1896, his name will be placed upon a doubtful card awaiting the further consideration of the Commission.

And it is directed that a copy of all the testimony had in the matter of the application of his mother, who has been listed for enrollment under the name of Sarah Whitaire, on Cherokee Freedmen roll card D 806, be filed with and made a part of the record in this case.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this July 1, 1904.

[Seal]

F G Kuster

Notary Public.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 29, 1908

Post Office Kildare, I.T.

District Delaware

1. Name Sam Rogers, Age 36

Owner's name Citizenship

Year 1902 Page 173 No. 4745 District Del.

Parents:

Father Joe Rogers - dead - Citizenship Freedman

Mother Sarah Dann - living Citizenship "

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Doubtful Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

On Wallace Rule P 13H #7808, Emmuel Rogers, Cher. Dist.

X refer to D.C.C.

-To be filed with Cher. Freed. R 76

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 21, 1901.

In the matter of the application of Sarah Whitmire for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants:
L. B. Bell, of counsel for Cherokee Nation.

Sarah Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sarah Whitmire; some calls me Sarah Vann, and Sarah Whitmire.
Q How old are you? A I guess about 52
Q What is your post office? A Hayden, I. T.
Q What district do you live in? A Coowescoowee.
Q How you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got a girl that is kinder mindless and a boy, he is in the penitentiary.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James Whitmire.
Q What are the names of these children? A My husband is dead.
Q What are the names of the Children? A Sam Rogers and Mary Rogers.
Q How old is Sam Rogers? A 26 years old.
Q He is in the penitentiary? A No sir, it is Will in the penitentiary.
Q What is the matter with Sam; is he crazy? A No, sir, it is Mary.
Q He is all right is he; he must apply for himself. What is the name of the boy in the penitentiary? A William Rogers.
Q Whatis the girls name? A Mary Rogers.
Q How old is William? A 26.
Q How old is Mary? A About 32 I guess?
Q Is William married? A No, sir.
Q Is Mary married? A No, sir, she lives with me.
Mr. Melette: How old are you? A About 52 I guess.
Q Were you a slave in the Cherokee Nation? A Yes, sir.
Q Before the war? A Yes, sir.
Q Who owned you? A Joe Vann.
Q Was he a Cherokee Indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Did you live in the Nation during the war? A Yes, sir.
Q Did you go out? A Yes sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A In the f all of '66.
Q Who did you come with? A Bill Tucker.
Q Where did you go to? A Down to Spring Creek.
Q Which side of Grank River? A I just can't remember, it is on the west ~~of~~ side of Grand River.
Q On this side of Grand River? A Yes, sir.
Q Same side that Chouteau is? A Yes, sir it is in Saline District, Spring Creek is.
Q Well girl were you a grown at the time you got back.
A Yes, sir, I was grown and had one child when I came back.
Q What was your father's name? A James Vann.
Q What was your mother's name? A Patsy Vann.
Q Did your mother come back with you? A No, sir.
Q Did your husband come back with you? A Yes, sir.
Q What was his name? A James Vann.
Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Rube Still but he is dead.
Q And you came with your husband? A And my husband was arlong with me.
Q Where have you lived since that time? A Well, I have lived so man places right around here in the Territory.

Q What Nation have you lived in since that? A Just right around here, and I ahve lived on Grand River a while, and on Pryor Creek and now I am living at Lightening Creek.
Q What Nation have you lived in? A I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No. sir, I haven't lived no where but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A Yes, sir, on the Clifton Roll and the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

the 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Sarah Whitmire on page 130, No. 3238, Cooweescoowee District, as Sarah Vann:

William Rogers on page 130, No. 3243 Cooweescoowee District, as Will Rogers;

Mary Rogers on page 130, No. 3241, Cooweescpowee District.

The Wallace roll examined and the applicants identified thereon as follows:

Sarah Whitmire on page 134 No. 2811, Cooweescoowee District, as Sarah Rogers;

William Rogers on page 134 No. 2812, Cooweescoowee district, as Wm. Rogers.

Mr. Bell: You did you say came back with you? A Bill Tucker.
Q Is that the Bill Tucker that lives on Dabin Creek now up near the Kansas line? A Yes, sir, he is the man.
Q Lives in Cooweescoowee district? A Yes, sir, and another old man they called Rube Still, Harry Still's father he is dead.
Q Anybody else? A And a half sister if mine.
Q Now where did you come to when you first came here? A Over down on Spring Creek.
Q Where did you first come into the nation? A Why down on Spring Creek.
Q Where did you cross the Kansas line? A Why I crossed the Kansas line up here on Russell Creek, I guess it was, Im don't know nothing much, only just left Kansas and coming down here to myold home, and I have been here ever since I came.
Q You didn't stop anywheres then after you crossed into the Nation until you got to Spring Creek? A No, sir, I didn't.
Q And you did stop there, did you? A Yes, sir, I stopped there.
Q How long did you stay there? A I guess I stayed there about three or four years I reckon, I disremember; of course I never did give it a thought, when I was living around, nothing about this exitement going to come up; if I had don't you know Imwould have kept tract of the dates and the month and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A No, sir, I didn't, never went to the Choctaw Nation; my husband would go to Gibdon and haul around there, but I didn't go
Q Did your husband come back with you? A Yes, sir, he came back.
Q What was his name? A Joe Rogers.
Q You and him went and stopped right on Spring Creek, at what house? A I stopped in with my grandmother, old Granny Nannie some calls her.
Q How far is that from Katie Williams? A About ten or 12 miles I guess.
Q You stopped then near down about Joe Vann's old place? A Yes, sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that time? A About three miles I guess.
Q Was she living right at the old Joe Vann place, aor at her own place? A She was living at her own place.
Q Was she there when you lived there? A Yes, sir, I guess she was, I saw here the next spring after we came down.

Q What time was that you say you came back? A In the fall of '66.
Q What month? A I just can't tell what month it was.
Q Was it cold weather? A Yes, sir, it was along in the fall like.
Q And you lived there three or four years before you moved off?
A Yes, sir.
Q Then where did you go to? A Moved up in the Lynch's settlement and stayed there a while and then moved over here on Grand River, and then from there went here on Pryor Creek, and stayed there five or six years, and then back over here on Lightening Creek.
Mr. W. W. Hastings, Cherokee attorney: Your husband, Joe Rogers, got Killed? A Yes, sir, he got killed.
Q Bill Pigeon, a full blood indian, killed him? A Yes, sir.
Q And he was indicted at Fort Smith in the United States Court for killing him? A Yes, sir.
Q And they sent for you? A Well, I didn't say it; they summoned me to come down there, and of course I had to go; but I never swore at all he was a non citizen here because I knew he wasn't, and they didn't get the man.
Commissioner: What was your maiden name before you were ever married
A My maiden name was Pooley, or some called me Sarah.
Q What was your last name? A Sarah Rogers.
Q Before you were were ever married? A Before I ever married?
Q Before you married any man? A My name was Sarah.
Q Sarah waht? A Sarah Vann.
Q What was your first husband's name? A Joseph Rogers.
Q What was your next husband's name? A James Whitmire.
Q Never been married but twice? A Just twice; James is dead.
Mr. Mellette: Now Sarah, you have no children by Whitmire?
A No, sir.

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A L. D. Daniels.
Q What is you age? A 56.
Q Where do you live? A Postoffice, Claremore.
Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Sarah Whitmire? A Yes, sir.
Q How long have you known her? A I have knowed her something over thirty years.
Q Did you know her husband, Joe Rogers? A Yes, sir, I was well acquainted with him.
Q How long did you know him? A About 36 years, Joe Rogers.
Q When did you first see him after the war? Where did you first see him? A I seen him in Christmas, in '66, at Fort Gibson, at William P. Ross'.
Q Do you know whether he was married to this woman at that time or not? A No, sir, I didn't at that time but I did afterwards.
Q Was she there? A No, sir, he was just there himself.
Q How long after that before you saw her? A It might have been, I don't know really, I believe it was the next summer I think.
Q Did you see Joe off and on after that? A Yes sir.
Q What became of Joe? A He got killed.
Q Well, after you got acquainted with this woman, where did she live? A She lived on Grand River in the district of Saline.
Q Which side of Grand River? A on the east side.
Q Which side of Grand River is Spring Creek? A On the east side.
Q It is not on this side then? A No, sir.
Mr. Bell: Was you issuing rations at the time you saw Joe? A No, sir, I was working for Bill Ross at that time.
Q That was Christmas of '66? A Yes, sir.
Q What was Joe doing at Bill Ross'? He went there to get an order to see if he couldn't kill some beeves for his folks.
Q What time in Christmas was that? A I t was just after Christmas

it must have been about the 28th or '9th of December, '66.
Q How long did he stay there? A Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or maybe longer before I found out what he was after.
Q Well he left there then did he? A Yes, sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.
Q That was in '66? A Yes, that was in December, the latter part of December.
Q Then had had a law then authorizing the killing of these beeves? A They didn't issue the order whether there was any law or not, they had stopped at that time, the way he told Joe.
Q Wasn't there an act of Council authorizing beeves killed, stray cattle? A I don't know anything about that, Imgot two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the chief just issued your orders to go out and kill cattle? A I guess so; he told me.
Q That is what you done? A Yes, sir, got an order from Chief Downing, and it was the customs.
Q Well, Joe left then, did he, and went off? A Yes, I fuess he did; I seen him the next summer after that; I was up there and seen him, up to Spring Creek in the Cherokee Nation.
Q Where was he living? A Living right on the old military road that leads to Tahlequah.
Q What place. A Just the other side of old man Vann's between that and the mountain.
Q How fat from old man Vann's? A Might have been a mile and maybe farther and maybe not quite so far.
Q Don't make it so indenfinite; can't you make it a little more definite than that? A I think that is enough.
Q Might have been a mile and might have been more and might have bee less? A It was in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A Yes, sir, the next summer?

Frank Ross, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Frank Ross.
Q What is your age? A 53.
Q Where do you live? A Lightening Creek.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q On the 1880 roll? A Yes, sir.
Q Do you know the applicant, Sarah Whitmire,? A Yes, sir.
Q What was her name before it was Whitmire? A Rogers.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Rogers.
Q How long did you know Joe Rogers? A Knowed him ever since he was a boy.
Q How long have you known Sarah? A Known him ever since she was a girl, raised together.
Q Who was her master? A Joe Vann.
Q Is he a Cherokee indian? A Yes, sir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A I seen them in '60 on Spring Creek.
Q Where is Spring Creek? A East of Grand River.
Commissioner: Seen who? A Joe Rogers and this applicant here.
Mr. Mellette: Where did they live after that? A They moved up on Grand River after that and then moved over on Pryor Creek and then they moved on Lightening where she is living now.
Q What became of Joe Rogers? A He got killed.
Q Who killed him? A Bill Pigeon, a Cherokee.
Mr. Bell: Where were you living at, Frank? A Living down on the old Tom Rider place in '66.
Q That the time you saw this applicant? A Yes, sir I had been down to Tahlewuah and I was coming back home and I saw them on Spring Creek close to old Joe Vann's.

Q What time of the year was that? A In the fall of '66.
Q How long had they been there? A I don't know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A Yes sir, stopped there a little while.
Q Was that house right on the road? A It was close to the road, it wasn't right on the road.
Q Wasn't it half mile from the road? A I don't think it was quite a half a mile.
Q Didn't the old road go by old man Joe Vann's place? A Not right along there; there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road don't lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads, one forks and runs up on Spring Creek, and one froks and goes by this place.
Q That is after your pass the old man? A Yes, sir, notfar; he lived below the orad,kinder west of the Tahlequah road.
Q Well, didn't you have any talk with them about when they had come? A No, never had any talk about when they came, but I saw them there.
Q You were acquainted with them before? A Yes, sir, I knew Joe Rogers and knew her when we were boys together.
Q And you just happened up on them there? A I came from Tahlequah and stopped in there.
Q How did you know they lived there? A Because I knew they lived there, I heard; I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the Creek, Rab and Mouse Rogers, and a whole lot of them living up there.

Katie Vann, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is you name? A Katie Vann.
Q What is you age? A 56 years old.
Q Are you a redognized freedman citizen of the Cherokee Nation?
A Yes, sir.
Q Where did you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes sir.
Q How long have you known her? A Ever since she was a little child.
Q Did you know her owner before the war? A Yes sir.
Q Who was that? A Joe Vann.
Q Do you have any knowledge as to when she came back to the Cherokee Nation after the war? A She came back in '66.
Q How do you know? A I saw them.
Q Where did you see them? A On Spring Creek, in Saline district.
Q Where has she lived since that time, what country? A She moved off over there about the rivers, I don't know whether it was Cooweescoowee district or Delaware district.
Q Have you known her from that time on? A Yes, sir.
Mr. Hastings: Did you go to Kansas yourself during the war?
A Yes, sir.
Q Who brought you back? A Myhusband.
Q What was his name? A Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A In the spring of '66.
Q Did you make a crop down there that year, or your husband?
A No, my husband didn't, but my brother in law did.
Q On whose place? A Martha Vann's and Dave Vann's.
Q Did you know Mrs. Archer before the war? A Yes, sir.
Q Know her after the war? A Yes, sir.
Q Where was she living when you came down there? A Living on Grand River on her old place where we left her when we moved out of the country.
Q This woman come back after you did? A Yes, sir.
Q Who brought her back? A Her husband.

Q What was his name? A Joe Rogers.
Q He was a colored man, was he? A Yes, sir.
Q Anybody else come backm with them? A Yes, sir.
Q Who? A William Tucker and his family is all I Know of.
Q That is all you remember?A That is all I can remember of coming back with them.
Q Wheredid they first live? A Lived right acrosp Spring Creek east of where I lived.
Q How far was that from the old Vann place? A Well about two miles I guess, or might be more.
Q What direction? A East; kinder southeast.
Q How far was that from where Mrs. Archer lived? A About four miles, as near as I can guess.
Q How long did Joe Rogers live there? A I don't know, about a year or two.
Q Was he killed there? A No, sir.
Q Where was he killed? A He was killed in this district.
Q Bill Pigeon a full blood indian, kill him? A Yes, sir.
Q He was indicted in Fort Smith? A I don't know about that.
Q You know he was indicted and scouted for it from the United states authorities? A Yes, sir.
Q What Cherokees was living around there at the time that they first located there? A Well, Miss consine.
Q Frank Consine's wife? A His mother, he was with his mother, he wasn't married than, and the Clingans, and Blackbird and Roastenear.
Q Did you testify before the Kern-Clifton Commission for this woman?
A No, sir, she had other witnesses.
Q Did theymake a place there? A Yes, sir.
Q And they lived there a number of years, did they? A They lived there about a year or two, I don't know which, they made a little field, smmll field, and lived there, and made a crop there.
Q Did all the colored people on that place come back here in '66?
A I don't know about all of them, but them I seen I know.
Q Do you know any other years but '66? A Yes, sir, I know some years.
Q What year were you married? A I don't know.
Q nWhat year were you born? A I don't know.
Q What year was your oldest child born? A I can't know the year it was.
Q What year was the Wallace Court? A I have got it down in a book.
Q What year was the Wallace Court? A I don't know?
Q What year did the Kern-Clifton Court sit? A I don't know; I Don't want to answer them questions, that is not the kind I am meant to answer; I am here for her, I don't - - -
Q You don't know any dates? A I am not telling any lie at all about it.
Q Do you know one date from another? A Yes, sir, I do, I know some.
Q You don't know any of those dates? A I know some but I don't know all, but I know '66 because they told us about '66 and sent for us.
Q Have they told you about that year since? A No, sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband darried the papers out.
Q Was that after the treaty was made? A No, sir, it was before.
Q And the papers was carried out before the treaty? A Yes, sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A Well she come in the same year, I know one spring toanother is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.

Q And you remember 35 years when you saw a person come in the neighborhood? A I can remember when I saw a persons where I saw them; I can't read and write.

Sarah Whitmire, recalled, testified:
Commissioner: Why isn't William Rogers here? A He is in the penitentiary.
Q Where at? A Columbus, Ohio.
Q He is living, is he? A Yes, sir.
Q How long is he sentenced for? A Five years.
Q How long has he been there? A Four years, he hasn't been there four years.
Q Why isn't Mary here? A She can't come here, Mary is kinder mindless, something or 'nother, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A No, sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A Yes, sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A No, sir, she wouldn't.
Q Did Mary come back with you when you came? A No, sir, Mary was born here.
Q William was born here? A Yes, sir, after I came back.
Mr. Hastings: What is William Rogers convicted of? A It is cattle, if he did it.
Q Stealing cattle? A Yes, sir, he denied he did it.
Q Who from? A Lewis Wright.
Q This colored man Lewis Whitmire? A Yes, sir.
Q He is a citizen of the Cherokee Nation isn't he? A Yes, sir.
Q When was he convicted? A It is going on four years now since he was convicted.
Q From stealing from this Lewis Whitmire, who is a citizen here of the Cherokee Nation? A Yes, sir.
Commissioner: You don't know whether Lewis Whitmird is on the 1880 roll or not? A Yes, sir, he is, but of course the United States Court taken the case.
Q Do you know Lewis Whitmire is on the roll of 1880? A Yes, sir.
Q How do you know that? A Have always claimed to be 1880 people.

Commissioner Needles: Sarah Whitmire applies for the enrollment of herself and William Rogers and Mary Rogers. She avers that she was the slave of Joe Vann, and that her maiden name was Vann; that she first married one Joe Rogers, by whom she had the two children forwhom she applies. Since the death of Joseph Rogers, she has married to one James Whitmire, who is now living. She presents proof as to her citizenship and that of her husband. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1866. She is duly identified upon the Kern-Clifton and the Wallace roll, on the Kern-Clifton roll as Sarah Vann, and on the Wallace roll as Sarah Rogers. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She applies for the enrollment of her son, William Rogers, 26 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear for himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern-Clifton and the Wallace rolls. He cannot be identified upon the authenticated roll of 1880. She also applies for the enrollment of her child, Mary Rogers, whom she claims is non compos, and not in a mental condition sufficient for her to testify; she is not married and lived

with her, the applicant. Mary Rogers is duly identified upon the Kern-Clifton roll. They are duly identified, by by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah Whitmire and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee Freedmen.

Sarah Whitmire, recalled, testified:
Mr. Mellette: Do you remember exactly when that boy was arrested?
A Ask that man (indicating) he said, he knows.
Q I say do you know? A Yes, sir.
Q When was that? A It has been three years ago since he has been arrested.
Mr. Hastings: Where was he tried? A He was tried in Vinita.

Bruce C. Jones, being duly sworn, say that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 29th of June, 1901.

(Signed) T. B. Needles

Commissioner.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M. Nicholas

Subscribed and sworn to before me this December 4, 1902.

B A Jones
Notary Public.

-To be filed with Cher. Freed. R 78

File with Cherokee Freedman D-806, Sarah Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Mary F. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 76 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek
Q How how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your fatern living there, you say, when the war came up? A living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war
Q Did you ever come back in the neighborhood of your old home place on Spring Creek. A After the war, yes, Came rightback.
Q Well, when did you come there? A We came there just a year after the war.
Q Now which year was that, you mean in the yeaf ' 65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I liv ed on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father bythe name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes, sir.
Q You know of the circumstance of her husband being killed?
A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?
Mr. Mellette: I object to mkk that question because it is leading.
Commissioner: You can ask her when she lived there, it is better to have asked when she came back; the question is leading, there is no question about.

A No.

Commissioner: She has answered, no.

Q Now, Mrs. Archer, about what time did you move on this place, of your father's, after the war, what time of the year? A In the sprin
Q Of what year, I mean '65 or '66 or '7? A About '65.
Q And how longdid you live on it? A About a year I think, and then I movdd on, my own place, it was right there though.
Q This woman belonged to your father did she when thewar came up? A Yes, she lived with him when the war came up.
Q Now how long did you say you continued to live on that place within three quarters of a mile of your home place? A I lived on it for about 15 wyears, maybe longer.
Q Did you ever see this woman, Sarah Vann, who afterwards Joe Rogers, after the war? A Never met her.
Q And yet you lived within three quarters of a mile of the old place? A Yes, sir.
Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No, I don't think she did, I certainly would have heard of her.
Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it
Mr. Mellette: Well Mrs. Archer, you say you moved in that neighborhood in '65? A Yes.
Q Well then you changed places in '66, is that the idea? A Yes, about that.
Q Did you travel over the country a good deal after you came there? A No, just around the neighborhood.
Q You didn't see this woman there at all? A No, never met her, never heard of her.
Q As a matter of fact you don't know where she was? A No.

Commissioner: This testimony will be filed with the original testimony testimony in the case, and will also be made part of the record in D-932 and D991.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 25th df October, 1901.

(Signed) C. R. Breckinridge

Commissioner.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M Nicholas

Subscribed and sworn to before me this December 4, 1902.

B C Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902

ACTING CHAIRMAN

Freed D 880

-To be filed with Cher Freed R 78

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1900.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sarah Whitmire D 806

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because; First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Muskogee, Indian Territory, August 27, 1903

Received of the Commission to the Five Civilized Tribes, one copy of the record in Cherokee freedman D-1122, Sam Rogers.

Louis J. Brown
Attorney for Applicant.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ettta Manley, et al., for enrollment as Cherokee Freedmen, consolidating the applications of--

Ettta Manley et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-436,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Ettta, Alonzo, Harvey, Freddie, Maynard, Howard, and Jessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Coowescoowee District, and he has been listed for enrollment on Cherokee Freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber

Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Rita Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Nila Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Cuesar, Ida Chatman, Julia Chatman and Hannah Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716),

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

W.J.S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Whitmire, et al., as Cherokee freedmen, consolidating the applications of

Sarah Whitmire et al	Cherokee Freedmen D 806
Patsy Whitmire	Cherokee Freedman D 932
Augustus Rogers	Cherokee Freedmen D 991
Sam Ro ers	Cherokee Freedmen D 1122.

D E C I S I O N .

The record herein shows that the applications were made to this Commission by Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire, for his wife, Patsy Whitmire; by Augustus Rogers, for himself, and by Eliza Rogers, for Sam Rogers, as Cherokee freedmen.

The evidence shows that Sarah Whitmire was the slave of one Joe Vann, a Cherokee citizen, at the commencement of the rebellion, and left the Cherokee Nation during said rebellion returning thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Mo ses Whitmire, trustee, etc. versus Cherokee Nation, et al. for the return of freedmen to the Cherokee Nation.

The evidence further shows that Sarah Whitmire is the mother of all the applicants herein; that Sam Ro ers was born in Kansas during the war but returned to the Cherokee Nation with his said mother and has continued to live in said Nation continuously since that time.

The evidence further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return thereto as hereinbefore shown, and that her children, William, Mary and Augustus Rogers, and Patsy Whitmire, were born in said Nation subsequent to their mother's return thereto as hereinbefore shown, and have lived therein all their lives.

It is, therefore , the opinion of this Commission that Sarah Whitmire, William Rogers, Mary Rogers, Patsy Whitmire, Augustus Rogers and Sam Rogers should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

(Signed) Tams Bixby
Chairman

(Signed) T.B. Needles
Commissioner

Commissioner

Commissioner

Dated at Muskogee, I.T.

this Mar 23 1905

Cherokee F.D-1122

Muskogee, Indian Territory, August 27, 1903

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

In accordance with your verbal request there is herewith enclosed a copy of the record in Cherokee freedman D-1122, Sam Rogers. There is also enclosed a blank receipt for same which you are requested to sign and return to the Commission.

Respectfully,

Chairman.

Enc. D-194

(C O P Y)

Tahlequah, Indian Territory, February 11, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Upon careful reconsideration, I am of the opinion that the applicants in Cherokee Freedman Doubtful case 806, 932, 991 and 1122 consolidated, Sarah Whitmire et al., should be denied enrollment.

They all depend upon the date of the return of Sarah Whitmire after the treaty of 1866.

She says she has been here all the time; but she is not on the '80 roll or the '96 roll. None of them are on any of these rolls.

Her testimony is completely refuted by that of Mrs. Archer, daughter of her former owner.

Lewis Daniels, a professional witness, is too indefinite to be of any value, even if he could be believed; and the other witnesses for her add no strength to her case.

I suggest the case be reconsidered and that all of these applicants be denied enrollment. If this is not concurred in, I vote no, and hope the case will go to the Department for final determination.

Respectfully,
(Signed) C. R. Breckinridge
Commissioner in Charge.
Cherokee Land Office.

MH
Enc. H-024

COPY.

Cherokee Freedmen

D-806 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Sarah Whitmire, et al, as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-74.

COPY.

Cherokee Freedmen
D-806 et al.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sarah Whitmire et al. as Cherokee freedmen, including the Commission's decision dated March 23, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

Tams Bixby.

Chairman.

Incl. 3-75.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-1122.

Muskogee, Indian Territory, March 23, 1905.

J. M. La Hay,

Attorney for Sam Rogers,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for the enrollment of Sam Rogers as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. 9-73.
Register.

COPY.

Cherokee Freedmen

D-1122.

Muskogee, Indian Territory, March 23, 1905.

Sam Rogers,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for your enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. There has herefore been furnished your attorney, J. M. La-Hay, Claremore, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-71.
Register.

Refer in reply
to the following:

Land.
22979-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the applications for enrollment as Cherokee Freedmen by Sarah Whitmire for herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself; and by Eliza Rogers for Sam Rogers.

March 23, 1905, the Commission decided favorably to all the applicants. There is filed a dissenting opinion by Commissioner Breckinridge.

The record shows that Sarah Whitmire was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and returned to the Nation on or before February 11, 1867. The record further shows that Sarah Whitmire is the mother of all the other applicants; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his mother and has

continued to live in the Nation since that time. The record further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return, and that her children, William, Mary and Augustus Rogers and Patsy Whitmire were born in the Nation subsequent to their mother's return and have lived therein all their lives.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

-Copy-

J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.17759.
I.T.D.3612-1905.

May 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision of the same date, granting the applications of Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Sam Rogers for himself, as Cherokee freedmen. With the decision of the Commission was also transmitted a dissenting decision by Commissioner C. R. Breckinridge.

Reporting April 7, 1905, the Indian Office recommended the approval of the decision favorable to all the applicants. A copy of its letter is inclosed.

The only testimony adverse to these applicants appears to be that of Mary F. Archer, daughter of Joseph Vann, who, prior to the war, owned Sarah Whitmire. It is not considered that Mrs. Archer's testimony is sufficient to over come the evidence presented in favor of the applicants. The prindipal question

-Copy-

asked Mrs. Archer was leading, relative only to the return of Sarah Whitmire and her husband to the old home place of the Vanns. Sarah Whitmire testified that she returned to her grandmother's, three miles from where Mrs. Archer lived.

In view of these facts, the decision of the Commission to the Five Civilized Tribes dated March 23, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.
LC

Cherokee Freedmen

D-80[illegible], et al.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2[illegible], 1[illegible], granting, among others, the applications for the enrollment of Sarah and Pete, Whitmire and William, Mary, Augustus and Sam Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-64
LS

Cherokee Freedmen

D-1122.

Muskogee, Indian Territory, May 22, 1906.

Sam Rogers,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed on a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-1122.

Muskogee, Indian Territory, May 22, 1906.

J. M. LaHay,

Attorney for Sam Rogers,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application of Sam Rogers for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-62
LS

Cher Fr 1507
Trans. from Cher Fr D932

Cher Fr 1507

a

X0932

FILED

JUL 13 1981

ACTING CHAIRMAN

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28 th 1901.

In the matter of the application of Nathan Whitmire, for the enrollment of his wife Patsy as a Cherokee freedman: She being sworn as a Cherokee freedman, testified as follows -

Q What is your name? A. Nathan Whitmire.
Q What is your age? A. 57.
Q What is your post office address? A Hayden.
Q In what district do you live? A. Coowescoowee
Q Who do you want to have enrolled now? A. My wife Patsy.
Q You have been enrolled yourself? A. Yes sir.
Q What was your wifes name before you married her? A. Rogers.
Q How old is she? A. 31.
Q What was her fathers name? A. Joe Rogers.
Q What is her mothers name? A. Sarah,
Q Is your wifes name on any of the rolls of the Cherokee Nation? A. Kern Clifton and Wallace rolls.
Q Your wifes mother has been enrolled by this Commission as Sarah Whitmire? A. Yes sir.
Q Do you claim citizenship for your wife through her mother? A. Yes sir.
Q How long have you been married to her? A. Ten years.

Applicant's wife not found on the 1880 or 1896 rolls.

Kern Clifton roll examined and applicant's wife found as follows Page 150 No. 5348 Patsy Rogers, Coowescoowee district.

Q Is she your first wife? A. Yes sir
Q Are you her first husband? A. Yes sir.
Q Have you and she been living together continuously since your marriage to her? A. Yes sir.
Q You have made children? A. Yes sir.
Q You enrolled them with yourself? A. Yes sir.

By Com'r Needles- Nathan Whitmire applies for his wife Patsy; he avers her maiden name was Rogers, the daughter of Joe and Sarah Rogers, who afterwards married a Whitmire; she is not identified on any roll except the Kern Clifton roll. Applicant avers that his wife's citizenship comes through her mother Sarah Whitmire and the testimony taken in her case is hereby referred to and made a part hereof and a copy thereof will be made and filed here with. Said case being Cherokee Freedman Doubtful card #888. Now the said Patsy Whitmire nee Rogers will be listed for enrollment as a Cherokee freedman on a doubtful card, and when the Commission arrive at a final decision he will be notified by mail of the same.

+ + + + + + + + + + + + +

Chas. von Weise, being sworn states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 28th of July, 1901.

D. C. Needles

Commissioner

B
19637

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 21, 1904

Post Office Hayden, I. T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Patsy Fentress, Age 31

Owner's name ..... Citizenship .....

Year K.C. Page 138 No. 3242 District Coo

Parents:

Father Joe Evans Citizenship .....

Mother Sarah Fentress - living Citizenship Cher. Freedman

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Nathan Fentress Stenographer .....

Cancelled

Our K.C. roll as Patsy Fentress.

X 1649 506

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 22 1901

To be filed with the case of Patsy Whitmire, C. F. D. 932.

Department of the Interior,
Commision to the Five Civilized Tribes,
Nowata, I. T, June 21, 1901.

In the matter of the application of Sarah Whitmire forthe enrollment of herself and two children as Cherokee freedmen;

Appearances:
Mellette & Smith, attorneys for applicants.
L. B. Bell, of counsel for Cherokee Nation-

Sarah Whitmire being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A. Sarah Whitmire; some calls me Sarah Vann, and Sarah Whitmire.
Q How old are you? A I guess about 52'
Q What is your post office? A Hayden, I. T.
Q What district do you live in? A. Coowescoowee.
Q Now you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got a girl that is kinder mindless and a boy, he is in the penitentiary.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. James Whitmire.
QWhat are the names of these children? A. My husband is dead.
Q What are the names of the children? A. Sam Rogers and Mary Rogers.
Q How old is Sam Rogers? A 26 years old.
Q He is in the penitentiary? A. No sir, it is Will in the penitentiary
Q What is the matter with Sam; is he crazy? A. No sir, it is Mary.
Q He is all right is he; he must apply for himself. What is thename of the boy in the penitentiary? A. William Rogers.
Q What is the girls name? A Mary Rogers.
Q How old is William? A. 26
Q How old is Mary? A. About 23 I guess.
Q Is William married? A No sir.
Q Is Mary married? A. No sir, she lives with me.
(Mr. Mellette) How old are you? A. About 53 I guess.
Q Were you a slave in the Cherokee Nation? A. Yes sir.
Q Before the war? A. Yes sir.
Q Who owned you? A Joe Vann.
Q Was he a Cherokee Indian? A. Yes sir.
Q A citizen of the Nation? A Yes sir.
Q Did you live in the Nation during the war? A. Yes sir.
Q Did you go out? A Yes sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A. In the fall of '66.
Q Who did you come with? A. Bill Tucker.
Q Where did you go to? A. Down to Spring creek
Q Which side ofGrand river? A. I just cant remember, it is on the west side of Grand river.
Q On this side of Grand river? . Yes sir.
Q Same side that Jouteau is? A. Yes sir, it is in Saline district, Spring creek is.
Q Well, were you a grown girl at the time you got back? A. Yes sir, I was grown and had one child when I came back.
Q Whta was your father's name? A James Vann.
Q What was your mother's name? A. Patsy Van.
Q Did your mother come back with you? A. No sir.
Q Did your husband come back with you? A. Yes sir.
Q What was his name? A James Vann.
Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Bube Still but he is dead.
Q And you came with your husband? A. And my husband was along with me
Q Where have you lived since that time? A. Well, I have lived so many places right around there in the Territory.
Q What Nation have you lived in since tht? A. Just right around here, and I have lived on Grand river a while, and on Pryor creek and now I

am living at Lightning creek.
Q What Nation have you lived in? A. I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No sir, I haven't lived nowhere but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A. Yes sir, on the Clifton roll and the Wallace roll.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.
The Kern Clifton roll examined, and the applicants identified thereon as follows-
Sarah Whitmire on page 130 No 3238, Cooweescoowee district, as Sarah Vann;
William Rogers on page 130 No 3241 Cooweescoowee district, as Will Rogers.
Mary Rogers on page 130 No 3241 Cooweescoowee district.
The Wallace roll examined and the applicants identified thereon as follows:
Sarah Whitmire on page 134 No 2811 Cooweescoowee district as Sarah Rogers;
William Rogers on page 134 No 2813, Cooweescoowee district as Wm, Rogers.

(Mr. Bell) You did you say come back with you? A Bill Tucker
Q Is that the Bill Tucker that lives on Cabin creek now up near the Kansas line? A. Yes sir, he is the man.
Q Lives in Cooweescoowee district? A Yes sir, and another old man they call Rube Still, Harry Still's father, he is dead.
Q Anybody else? A. And a half sister of mine.
Q Now were did you come to when you first came here? A Over down on Spring creek.
Q Where did you first come to into the Nation? A. Why down on Spring creek.
Q Where didyou cross the Kansas line? A Why I crossed the Kansas line up here on Russell creek, I guess it was, I dont know nothing much, only just left Kansas and coming down here to my old ~~xxxx~~ home, and I have been here ever since I come.
Q You didnt stop anywheres then after you crossed into the Nation until you got to Spring creek? A No sir, I didn't.
Q And you did stop there did you? A Yes sir, I stopped there.
Q How long did you stay there? A. I guess I staid there about three or four years I reckon, I disremember; of course I never did give it a thought, when I was living around, nothing about this excitement going to come up; If I had dont you know I would have kept track of the dates and the month and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A. No sir, I didn't, never went to the Choctaw Nation; my husband would go to Gibson and haul around there, but I didn't go.
Q Did your husband come back with you? A. Yes sir he come back.
Q What was his name? A. Joe Rogers
Q You and him went and stopped right on Spring creek, at what house? A I stopped in with my grandmother, old Granny Nannie some calls her
Q How far is that from Katie Williams? A. About ten or 12 miles I guess
Q You stopped then near down about Joe Vann's old place? A Yes sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that time? A. About three miles I guess.
Q Was she living right at the old Joe Vann place, or at her own place? A She was living at her own place.
Q Was shethere when you lived there? A. Yes sir, I guess she was. I saw her the next spring after we came down.
Q What time was that you say you came back? A. In the fall of '86.
Q What month? A. I just cant tell what month it was.
Q Was it cold weather? A. Yes sir, it was along in the fall like.
Q And you lived there three or four years before you moved off? A Yes sir.

Q Then where did you go to? A. Moved up in the Lynch's settlement and staid there a while and then moved over here on Grand river, and then from there ~~[illegible]~~ went here on Pryor creek, and staidther e five or six years, and then back over here on Lightning creek.
(By W. W. Hastings)(Cherokee attorney)
Q Your husband, Joe Rogers, got killed? A. Yes sir he got killed.
Q Bill Pigeon, a full blood Indian killed him? A Yes sir.
Q And he was indicted at Fort Smith in the United States Court for killing him? A. Yes sir.
Q And they sent for you? A. Well, I didn't say it; they summoned me to come down there, and of course I had to go, but I never swore at all he was a non citizen here because I knew he wasn't, and they didn't get the man.
(Commissioner) What was your maiden name before you were married ?
A My maiden name was Pooley, or some called me Sarah.
Q What was your last name? A. Sarah Rogers.
Q Before you were ever married? A Before I ever married?
Q Before you married any man? A. My name was Sarah.
Q Sarah what? A. Sarah Vann.
Q What was your first husband's name? A. Joseph Rogers.
Q Never been married but twice? A Just twice; James in dead.
(Mr. Mellette) Now Sarah, you have no children by Whitmire? Ao sir

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:
(Mr.Mellette) What is your name? A L. D. Daniels.
Q What is your age? A. 56.
QWhere do you live? A. Post office, Claremore.
Q Areyou on the authenticated roll of freedmen citizens of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Sarah Whitmire? A. Yesir.
Q How long have you known her? A. I have known her something over thirty years.
Q Did you know her husband, Joe Rogers? A. Yes sir, I was well acquainted with him.
Q How long did you know him? A. About 36 years, Joe Rogers.
Q When did you first see him after the war; where did you first see him? A. I seen him in Christmas, in '66, at Fort Gibson, at Willia, P Ross'
QDo you know whether he was married to this woman at that time or not? A. No sir, I didn't at that time but I did afterwards
Q Was she there? A. No sir, he was just there himself.
Q How lonf after that before you saw her? A It might have been, I dnt really know, I believe it was the next summer I think.
Q Did you see Joe off and on after that? A Yes sir.
Q What becaue of Joe? A. He got killed.
QWell, after you got acquainted with this woman, where did she live?
A She lived on Grand river in the district of Saline.
Q On which side of Grand river? A On the east side.
Q Which side of Grand river is Spring creek? A. On the east side.
Q It is not on this side then? A. No sir.
(Mr Bell) Was you issuing rations at the time you saw Joe? A. N Sir, I was working for Bill Ross at that time.
Q That was Christmas of '66? A Yes sir.
Q What was Joe doing at Bill Ross'? A. He went there to get an order to see if he couldn't kill some beeves for his folks.
Q What time in Christmas was that? A. It was just after Christmas, it must have been about the 28th or '9th of December, '66.
Q How long did he stay there? A. Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or mybe longer before I found out what he was after
Q Well he left there then did he? A. Yes sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.
Q That was in '66? A Yes, that was in December the latter part of December.
Q Then had had a law then authorizing the killing of these beeves? They didnt issue the order wherther there was any law or not, they had stopped at that time, the way he told Joe.

Q Wasn't there an act of coun il authorizing beeves killed, stray cattle? A I dont know anything about that, I got two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the Chief just issued you orders to go out and kill cattle? A I guess so, he told me.
Q That is what you done? A. Yes sir, got an order from Cheif Downing, and it was the customs.
Q Well, Joe left then, did he, and went off? A. Yes, I guess he did; I seen him the next summer after that; I was up there and seen him, up to Spring creek in the Cherokee Nation.
Q Where was he living? A. Living right on the old Military road that leads to Tahlequah.
QWhat place? A. Just the other side of old man Vann's between that and the mountain.
Q How far from old man Vann's? A Might have been a mile and mybe farther and maybe not quite so far.
Q Dont make it so indefinite; cant you name it a little more definite than that? A. I think that is enough.
Q Might have been a mile and might have been more and might have been less? A. Itwas in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A Yes sir the next summer.

FRANK ROSS, being duly sworn by Commissioner Needles, testified as follows: (By Mr. Mellette)

Q What is your name? A. Frank Ross.
Q What is your age? A. 53.
Q Where doe you live? A Lightning creek.
Q Are you a freedman citizen of the Cherokee Nation? A. Yes sir.
Q On the 1880 roll? A. Yes sir.
QDo you know the applicant, Sarah Whitmire? A. Yes sir.
Q What was her name before it was Whitmire? A. Rogers.
Q Did you know her husband? A. Yes sir.
Q What was his name? A. Joe Rogers.
Q How long did you know Joe Rogers? A Knowed him ever since he was a boy
Q How long have you known Sarah? A Knowed her ever since she was a girl, raised together.
Q Who was her master? A. Joe Vann.
Q Is he a Cherokee India? A. Yessir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A. I seen them in '68 on Spring creek.
Q Where is Spring creek? A. East of Grand river.
(Commissioner) Seen who? A Joe Rogers and this applicant here.
(Mr Mellette) Where did they live after that? A They moved up on Grand river after that and then moved over on Pryor creek and then they moved on Lightning where she is living now.
Q What became of Joe Rogers? A. He got killed.
Q Who killed him? A. Bill Pigeon, a Cherokee
(Mr. Bell) Where were you living at Frank? A. Living down on the old Tom Rider place in '66.
Q That the time you saw this applicant? A. Yes sir, I had been down to Tahlequah and I was coming back home, and I saw them on Spring creek close to old Joe Vann's.
Q What time of the year was that? A. In the fall of '66.
Q How long had they been there? A. I dont know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A. Yes sir, stopped there a little while
Q Was that house right on the road? A. It was close to the road, it wasn't right on the road.
Q Wasn't it half a mile from the road? A. I dont think it was quite half a mile.
Q Didn't the old road go by old man Joe Vann's place? A Not right along there; there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road dont lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads. one forks and runs up on Spring creek, and one forks and goes by this place.
Q That is after you pass the old man? AYes sir, not far; he lived below the road, kinder west of the Tahlequah road.

Q Well didn't you have any talk with them about when they had come?
A No, never had any talk ~~about~~ about when they come, but I I saw them there.
Q You were acquainted with them before? A. Yes sir, I knew Joe Rogers and knew her when we were boys together.
Q And you just happened up on them there? A I come from Tahlequah and stopped in there.
Q How did you know they lived there? A. Because I knew they lived thre, I heard; I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the creek, Rab and House Rogers, and a whole lot of them living up there.

KATIE VANN, being duly sworn by Commissioner Needles testified as follows:
(Mr.Mellette) What is your name? A Katie Vann.
Q What is your age? A. 56 years old.
Q Are you a recognized ~~citizen~~ freedman citizen of the Cherokee Nation?
A Yes sir.
Q Where do you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes sir.
Q How long have you known her? A Ever since she was a little child.
Q Didyou know her owner before the war? A. Yes sir.
Q Who was that? A. Joe Vann.
Q Do you have any knowledge as to when she come back to the Cherokee Nation after the war? A. She came back in-'66
Q How do you know? A. I saw them.
Q Where did you see them? A. On Spring creek, in Saline district.
Q Where has she lived since that time, what country? A She moved off over there about the river , I dont know whether it was Cooweescoowee district or Delaware district.
Q Have you known her from that time on? A Yes sir.
(By Hastings) Did you go to Kansas yourself during the war? A. Yes sir.
Q Who brought you back? A. My husband.
Q What was his name? A. Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A. In the spring of '66.
Q Did you make acrop down there that year, or your husband? A. No, my husband didn't, but my brother in law did.
Q On whose place? A. Martha Vann's and Dave Vann's,
Q Did you know Mrs. Archer before the war? A. Yes sir.
Q Know her after the war? A. Yes sir.
Q Where was she living when you come down there? A. Living on Grand river on her old place where we left her when we moved out of the country.
Q This woman come back after you did? A. Yes sir.
Q Who brought her back? A. Her husband.
Q What was his name? A. Joe Rogers.
Q He was a colored man, was he? A. Yes sir.
Q Anybody else come back with them? A Yes sir.
Q Who? A William Tucker and his family is all I know of.
Q That is all you remember? A That is all I can remember of coming back with them.
Q Where did they first live? A. Lived right across Spring creek east of where I lived.
Q How far was that from the old Vann place? A Well about two miles I guess, or might be more.
Q What direction? A East, kinder southeast.
Q How far was that from where Mrs. Archer lived? A About four miles as near as I can guess.
Q How long did Joe Rogers live there? A I dont know, about a year or two.
Q Was he killed here? A No sir.
Q Where was he killed? A. He was killed up in this district.
Q Bill Pigeon, a full blood Indian, killed him? A Yes sir.
Q He was indicted in Fort Smith? A I dont know about that.
Q You know he was indicted and scouted for it from the United States authorities? A Yes sir.

Q What Cherokees was living around there at the time that they first located there? A. Well, Miss Consine.
Q Frank Consine's wife? A. His mother, he was with his mother, he wasn't married then, and the Clingans, and Blackbirds and Roastenear.
Q Did you testify before the Kern Clifton Commission for this woman? A No sir, she had other witnesses.
Q Did they make a place there? A. Yes sir.
Q And they lived there a number of years, did they? A. They lived there about a year or two, I dont know which, they made a little field small, field, and lived there, and made a crop there.
Q Di all the colored people on that place come back there in '66? A I dont know about all of them, but them I seen I know.
Q Do you know any other years but '66? A Yes sir, I know some years
Q What year were you married? A. I dont know.
Q What year were you born? A. I dont know.
Q What year was you oldest child born? A. I cant know the year it was
Q What year was the Wallace court? A. I have got it down in a book.
Q What year was the Wallace court? A. I dont know.
Q What year did the Kern Clifton court sit ? A I dont know, I dont want to answer them questions, that is not the kind I am meant to answer I am here for her, I don't——
Q You doh know any dates? A. I am not telling any lie at all about it
Q Do you know one date from another? A. Yes sir, I do, I know some.
Q You dont know any of those dates? A. I know some but I dont know all, but I know '66 because they told us about '66 and sent for us.
Q Have they told you about that year since? A. No sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband carried the papers out.
Q Was that after the treaty was made? A. No sir, it was before.
Q And the papers was carried out before the treaty? A. Yes sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A. Well she come in the same year, I know one spring to another is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.
Q And you remember 35 years when you saw a person come in the neighborhood? A I can remember when I saw a person where I saw them; I cant read and write.

SARAH WHITMIRE, recalled, testified.
(Commissioner) Why isn't William Rogers here? A He is in the penitentiary.
Q Where at? A. Columbus, Ohio.
Q He is living is he? A. Yes sir.
Q How long is he sentenced for? A. Five years.
Q How long has he been there? A. Four years, he hasn't been there four years.
Q Why isn't Mary here? A. She cant come here, Mary is kinder mindless, something or 'nother, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A. No sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A. Yes sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A No sir, she wouldn't
Q Did Mary come back with you when you come? A No sir, Mary was born here.
Q William was born here? A. Yes sir, after I come back.
(Mr Hastings) What is William Rogers convicted of? A It is cattle, if he did it.
Q Stealing cattle? A. Yes sir, he denied he did it.
Q Who from? A Lewis Wright
Q This colored man Lewis Whitmire? A. Yes sir.
Q He is a citizen of the Cherokee Nation isn't he? A. Yes sir.
Q When was he convicted? A. It is going on four years now since he was convicted.
Q For stealing from this man Lewis Whitmire, who is a citizen here of

the Cherokee Nation? A. Yes sir.
(Commissioner) You dont know whether Lewis Whitmire is on the 1880 roll or not? A. Yes sir I do, but of course the United States Court taken the case?
Q Do you know Lewis Whitmire is on the roll of 1880? A Yes sir.
Q How do you know that? A. Have always claimed to be 1880 people.

Com'r Needles: Sarah Whitmire applies for the enrollment of herself and William Rogers and Mary Rogers. She avers that she was the slave of Joe Vann, and that her maiden name was Vann; that she first married one Joe Rogers, by whom she had two children for whom she applies. Since the death of Joseph Rogers, she has married to one James Whitmire, who is now living. She presents proof, as to her citizenship and that of her husband. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1866. She is duly identified upon the Kern Clifton ~~xxxx~~ and the Wallace roll as Sarah Rogers. She cannot be identified on the authenticated roll of 1880 or the census roll of 1896. She applies for the enrollment of her son, William Rogers, 26 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear ~~xx~~ himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern Clifton and the Wallace rolls. He cannot be identified upon the authenticated ~~xx~~ roll of 1880. She also applies for the enrollment of her child, Mary Rogers, whom she claims is non compos and not in a mental condition sufficient for her to testify; she is not married and lived with her, the applicant. Mary Rogers is duly identified upon the Kern Clifton roll. They are duly identified ~~upon the Kern Clifton roll~~ but by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah Whitmire, and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee freedmen.

SARAH WHITMIRE, recalled, testified:
(Mr. Mellette) Do you remember exactly when that boy was arrested? A Ask that man (indicating) he said. He knows.
Q I say do you? A. Yes sir.
Q When was that? A. It has been three years ago since he has been arrested.
(Mr Hastings) Where was he tried? A He was tried in Vinita.

* * * * * * *

Bruce C. Jones, being sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this 29th of June, 1901.

(Signed) T. B. Needles,
Commissionr.

I, Chas. von Weise, upon my oath state that the above is a true and complete copy of the original.

Chas von Weise

Subscribed and sworn to before me this 19th of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Patsy Whitmire for enrollment as a Cherokee Freedman.

No. F. D. 932

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Patsy Whitmire whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Patsy Whitmire, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 28th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

F.10932

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
DEC 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Patsy Whitmire for enrollment as Cherokee Freedmen:

Case No. F. D 932

To Patsy Whitmire Hayden I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. M. Hastings

J. J. Davenport

Attorneys for the Cherokee Nation.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1901

ACTING

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. Oct 12" 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Patsy Whitmire for enrollment as Freedmen of the Cherokee Nation.

A. R. Conchie
Right for applicant

No. I.T. 232

190

File with Cherokee Freedman D-932, Patsy Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Mary F. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 76 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek.
Q Now how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your father living there, you say, when the war came up? A Living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war.
Q Did you ever come back in the naighborhood of your old home place on Spring Creek? A After the war, yes, came right back.
Q Well, when did you come there? A We came there just a year after the war.
Q Now which year was that, you mean in the year '65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I lived on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father by the name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes sir.
Q You know of the circumstance of her husband being killed?
A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?

Mr. Mellette: I object to that question because it is leading.

Commissioner: You can ask her when she lived there; it is better to have asked when she came back; the question is leading, there is no question about.

A No.

Commissioner: She has answered no.

Q Now Mrs. Archer, about what time did you move on this place, of your father's, after the war, what time of the year? A In the spring.

Q Of what year, I mean '65 or '66 or '7? A About '65.

Q And how long did you live on it? A About a year I think, and then I moved on, my own place: it was right there though.

Q This woman belonged to your father did she when the war came up? A Yes, she lived with him when the war came up.

Q Now how long did you say you continued to live on that place within three quarters of a mile of your home place? A I lived on it for about 15 years, maybe longer.

Q Did you ever see this woman, Sarah Venn, who afterwards Joe Rogers, after the war? A Never met her.

Q And yet you lived there within three quarters of a mile of the old place? A Yes, sir.

Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No,,I don't think she did, I certainly would have heard of her.

Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it.

Mr. Mellette: Well Mrs. Archer, you say you moved in that neighborhood in '65? A Yes.

Q Well then you changed places in '66, is that the idea? A Yes, about that.

Q Did you travel over the country a good deal after you came there? A No, just around the neighborhood.

Q You didn't see this woman there at all? A No, never met her, never heard of her.

Q As a matter of fact you don't know where she was? A No.

Commissioner: This testimony will be filed with the original testimony in the case, and will also be made part of the record in D-932 and D-991.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

T. B. Needles

Commissioner.

FILED
OCT 14 1903
COMMISSION TO FIVE TRIBES.

C.F.D-932.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of PATSY WHITMIRE as a Cherokee Freedman.

Appearances:
J. R. Sequichie, Agent for applicant.
W. W. Hastings, J. S. Davenport and L. E. Bell, Attorneys for Cherokee Nation.

NATHAN WHITMIRE, beingfirst duly sworn, and being examined, testified as follows:

BY COMMISSION: Wyat is your name? A Nathan Whitmire.
Q How old are you? A About thirty-nine years old.
Q What is your post office address? A Hayden.
Q Do you know Patsey Whitmire? A Yes sir.
Q Who is the mother of Patsy Whitmire? A Sarah Whitmire.
Q Is she the same Patsy Whitmire who made application for enrollment as a CherokeeFreedman? A Yes sir.
Q Where was Patsy Whitmire born? A I don't know positively, but her mother says she was born on Spring Creek, in the Cherokee Nation.
Q How long have you known Patsey Whitmire? A I have known her about twenty years.
Q Where has she been living all that time? A Been living in the Cherokee Nation.

MR. HASTINGS: When did you marry her? A I married her some time in 1890.
Q In the year 1890, or in the nineties? A In t he year '90.
Q Thirteen years ago? A Some time in '90.
Q Are you living with her now? A Yes sir.
Q Been living with her ever since in the Cherokee Nation?
A Yes sir.
Q You have known her about twenty years? A Yes sir.
Q Since you have ~~xxx~~ known her she has always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 12th day of October, 1903.

Charles J. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Whitmire, et al., as Cherokee freedmen, consolidating the applications of

Sarah Whitmire et al	Cherokee Freedmen D	806
Patsy Whitmire	Cherokee Freedmen D	932
Augustus Rogers	Cherokee Freedmen D	991
Sam Rogers	Cherokee Freedmen D	1122

D E C I S I O N .

The record herein shows that the applications were made to this Commission by Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire, for his wife, Patsy Whitmire; by Augustus Rogers, for himself, and by Eliza Rogers, for Sam Rogers, as Cherokee freedmen.

The evidence shows that Sarah Whitmire was the slave of one Joe Vann, a Cherokee citizen, at the commencement of the rebellion, and left the Cherokee Nation during said rebellion returning thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. versus Cherokee Nation, et al. for the return of freedmen to the Cherokee Nation.

The evidence further shows that Sarah Whitmire is the mother of all the applicants herein; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his said mother and has continued to live in said Nation continuously since that time.

The evidence further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return thereto as hereinbefore shown, and that her children, William, Mary and Augustus Rogers, and Patsy Whitmire, were born in said Nation subsequent to their said mother's return thereto as hereinbefore shown, and have lived therein all their lives.

It is, therefore, the opinion of this Commission that Sarah Whitmire, William Rogers, Mary Rogers, Patsy Whitmire, Augustus Rogers and Sam Rogers should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

(SIGNED) Tams Bixby.

Chairman.

(SIGNED) T. B. Needles.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
this MAR 23 1905.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Patsy Whitmire,
Hayden, I. T.
Cherokee F-D-932
Register.

Cherokee Freedmen
D-932.

Muskogee, Indian Territory, September 9, 1903.

Nathan Whitmire,

Hayden, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Patsy Whitmire, as a Cherokee Freedman, you are hereby advised that further testimony is required as to her residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-932.

Muskogee, Indian Territory, September 9, 1903.

J. R. Sequichie,

Agent for Patsy Whitmire,

Chelsea, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Patsy Whitmire as a Cherokee Freedman, you are advised that further testimony is required as to her residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

(C O P Y)

Tahlequah, Indian Territory, February 11, 1900

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Upon careful reconsideration , I am of the opinion that the applicants in Cherokee Freedman Doubtful case 806, 932, 991 and 1132 consolidated, Sarah Whitmire et al., should be denied enrollment.

They all depend upon the date of the return of Sarah Whitmire after the treaty of 1866.

She says she has been here all the time; but she is not on the '80 roll or the '96 roll. None of them are on any of these rolls.

Her testimony is completely refuted by that of Mrs. Archer, daughter of her former owner.

Lewis Daniels, a professional witness, is too indefinite to be of any value, even if he could be believed; and the other witnesses for her add no strength to her case.

I suggest the case be reconsidered and that all of these applicants be denied enrollment. If this is not concurred in, I vote no, and hope the case will go to the Department for final determination.

Respectfully
(Signed) C.R. Breckinridge
Commissioner in Charge.
Cherokee Land Office

MH
Rnc. H-024

COPY.

Cherokee Freedmen

D-806 et al.

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Sarah Whitmire, et al. as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-74.

COPY.

Cherokee Freedmen
D-806 et al.

Muskogee, Indian Territory, March 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sarah Whitmire et al. as Cherokee freedmen, including the Commission's decision dated March 23, 1906, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-75.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-932.

Muskogee, Indian Territory, March 23, 1905.

Patsy Whitmire,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for your enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-69.
Register.

Refer in reply
to the following:

Land.
22979-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the applications for enrollment as Cherokee Freedmen by Sarah Whitmire for herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Eliza Rogers for Sam Rogers.

March 23, 1905, the Commission decided favorably to all the applicants. There is filed a dissenting opinion by Commissioner Breckinridge.

The record shows that Sarah Whitmire was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and returned to the Nation on or before February 11, 1867. The record further shows that Sarah Whitmire is the mother of all the other applicants; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his mother and has

continued to live in the Nation since that time. The record further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return, and that her children, William, Mary and Augustus Rogers and Patsy Whitmire were born in the Nation subsequent to their mother's return and have lived therein all their lives.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larnabee,

Acting Commissioner.

M.M.M.
W.

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.17759.
I.T.D.3612-1905. May 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision of the same date, granting the applications of Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Sam Rogers for himself, as Cherokee freedmen. With the decision of the Commission was also transmitted a dissenting decision by Commissioner C. R. Breckinridge.

Reporting April 7, 1905, the Indian Office recommended the approval of the decision favorable to all the applicants. A copy of its letter is inclosed.

The only testimony adverse to these applicants appears to be that of Mary F. Archer, daughter of Joseph Vann, who, prior to the war, owned Sarah Whitmire. It is not considered that Mrs. Archer's testimony is sufficient to over come the evidence presented in favor of the applicants. The prindipal question

-Copy-

asked Mrs. Archer was leading, relative only to the return of Sarah Whitmire and her husband to the old home place of the Vanns. Sarah Whitmire testified that she returned to her grandmother's, three miles from where Mrs. Archer lived.

In view of these facts, the decision of the Commission to the Five Civilized Tribes dated March 23, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.
LC

Cherokee Freedmen

D-806, et al.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the applications for the enrollment of Sarah and Patsy Whitmire and William, Mary, Augustus and Sam Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-64
LS

Cherokee Freedmen

D-932.

Muskogee, Indian Territory, May 22, 1906.

Patsy Whitmire,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-61
LS

Acting Commissioner.

REGISTRY RECEIPT

Post Office at

Registered Letter / Parcel No. Date

at

addressed to

FT. GIBSON, I.T.
SEP 20 1901

Hubbard Ross, P.

Cher Fr 1508
Trans. from Cher Fr D991

Cher Fr 1508

COMMISSION TO THE
FILED
JUL 18 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. July, 1st 1901.

In the matter of the application of Augustus Rogers for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles testified as follows-

Q What is your name? A. Augustus Rogers.
Q What is your age? A. 28.
Q What is your post office address? A. Hayden
Q What district do you live in? A. Goowoescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled besides yourself? A Just myself.
Q Is your name on any of the rolls of the Cherokee Nation? A. Wallace and Kern Clifton
Q What is your fathers name? A. Joe Rogers
Q What is your mothers name? A. Sarah Whitmire.
Q Who do you claim your citizenship through? A. My mother.
Q Has she been enrolled by us already? A. Yes sir.
Q Are you married? A. No sir.
Q Where were you born? A. Grand river.
Q In the Cherokee Nation? A. Yes sir.
Q Have you lived here all your life? A. Yes sir.
Q Never went out? A. No sir.
Q And you are not married? A. Not now.
Q Have you ever been married? A. Yes sir.
Q Have you any children? A. Yes sir two.
Q Are they enrolled? A. Yes sir by their mother.

Applicant not found on the 1880 or 1896 roll.

Kern Clifton roll examined and the name of the applicant found thereon as follows-
Page 138 No. 3259 Gus Rogers, Goowoescoowee district.

By Com'r Needles,-

Gus Rogers applies for himself; he is only identified on the Kern Clifton roll ; he avers that he is the son of Joe Rogers and Sarah Whitmire and the said Sarah Whitmire has been listed for enrollment as a Cherokee freedman on doubtful card 896 and reference is hereby made to the testimony therein and a copy thereof will be filed herewith. Now the said Gus Rogers will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision is arrived at he will be notified of the same by mail.

= = = = = = = = = = = = = =

Chas. Von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause in that the same is a full and correct transcript of his stenographic notes therein.

Chas Von Weise

Subscribed and sworn to before me this the 15 to of July, 1901.

T. B. Needles
Commissioner.

X10491

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Dec 1 1961

Post Office Hayden I.T.

District Cas.

1. Name Augustus Rogers Age 22

Owner's name Citizenship

Year 50 Page 3 No. 2239 District Cas

Parents:

Father Pleasant Rogers Citizenship

Mother Sarah [illegible] Citizenship Cher. Freed

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Cattle [illegible] Cas Freed

X his mark

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 22 1901
ACTING Chairman

To be filed with the case of Augustus Rogers, C. F. N. 891.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 21, 1901.

In the matter of the application of Sarah Whitmire for the enrollment of herself and two children as Cherokee freedmen:

Appearances:
Mellette & Smith, attorneys for applicants.
L. B. Bell, of counsel for Cherokee Nation;

Sarah Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A. Sarah Whitmire, some calls me Sarah Vann, and Sarah Whitmire.
Q How old are you? A. I guess about 52.
Q What is your post office? A. Hayden, I. T.
Q What district do you live in? A. Coowescoowee.
Q Now do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got a girl that is kinder mindless and a boy, he is in the penitentiary.
Q Are you married? A Yes sir.
Q What is your husband's name? A. James Whitmire.
Q What are the names of these children? A. My husband is dead.
Q What are the names of the children? A Sam Rogers and Mary Rogers
Q How old is Sam Rogers? A 26 years old.
Q He is in the penitentiary? A. No sir, it is Will in the penitentiary.
Q What is the matter with Sam, is he crazy? A. No sir, it is Mary.
Q He is all right is he; e must apply for himself. What is the name of the boy in the penitentiary? A William Rogers.
Q What is the girls name? A. Mary Rogers.
Q How old is William? A. 26.
Q How old is Mary? A. About 23 I guess.
Q Is William married? A No sir.
Q Is Mary Married? A. No sir, she lives with me.
(Mr Mellette) How old are you? A. About 52 I guess.
Q Were you a slave in the Cherokee Nation? A. Yes sir.
Q Before the war? A. Yes sir.
Q Who owned you? A. Joe Vann.
Q Was he a Cherokee Indian? A. Yes sir.
Q A citizen of the Nation? A. Yes sir,
Q Did you live in the Nation during the war? A. Yes sir.
Q Did you go out? A. Yes sir.
Q Where did you go? A. Went to Kansas.
Q When did you come back? A. In the fall of '66.
Q Who did you come with? A. Bill Tucker.
Q Where did you go to? A. Down to Spring creek.
Q Which side of Grand river? A. I just cant remember, it is on the west side of Grand river.
Q On this side of the river? A. Yes sir.
Q Same side that Couteau is? A Yes sir, it is in Saline, District, Spring creek is.
Q Well, were you a grown girl at the time you got back? A. Yes sir, I was grown and had one child when I came back.
Q What was your father's name? A. James Vann.
Q What was your mother's name? A Patsy Vann.
Q Did your mother come back with you? A. No sir.
Q Did your husband come back with you? A. Yes sir.
Q What was his name? A James Vann.
Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Rube Still but he is dead.
Q and you came with your husband? A And my husband was along with me.
Q Where have you lived since that time? A Well, I have lived so many places right around here in the Territory.
Q What nation have you lived in since that? A Just right around here,

and I have lived on Grand river a while, and on Pryor creek and now I am living at Lightning creek.
Q What Nation have you lived in? A. I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No, sir, I haven't lived nowhere but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A. Yes, sir, on the Clifton roll and the Wallace roll.
The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.
The Kern Clifton roll examined, and the applicants identified thereon as follows-
Sarah Whitmire on page 130, No 3238, Cooweescoocowee district as Sarah Vann.
William Rogers on page 130 No 3241 Cooweescooowee district as Will Rogers.
Mary Rogers on page 130 No 3241 , Cooweescoowee district
The Wallace roll examined and the applicants identified thereon as follows:
Sarah Whitmire on page 134 No 2811, Cooweescoowee dsitrict as Sarah Rogers.
William Rogers on page 134, No 2813, Cooweescoowee district, as Wm' Rogers.
(Mr. Bell) You did you say came back with you? A. Bill Tucker.
Q Is that the Bill Tucker that lives on Cabin creek now up there near te Kansas line? A Yes sir he is the man.
Q Lives in Cooweescoowee district? A. Yes sir, and another old man they called Rube Still, Harry Still's futher, he is dead.
Q Anybody else? A. And a half sister of mine.
Q Now where did you come to when you first come here? A Over down on Spring creek.
Q Where did you first come to into the Nation? A. Why down on Spring creek.
Q Where did you cross the Kansas line? A. Why I crossed the Kansas line up here on Russell creek, I guess it was, I dont know nothing much, only just left Kansas and coming down here to my old home, and I have been here ever since. I came.
Q You didn't stop anywheres then after you crossed into the Nation until you got to Spring creek? A. No sir I didn't
Q And you did stop there did you? A. Yes sir, I stopped there.
Q How long did you stay there? .A I guess I stayed there about three or four years I reckon, I disremember; of course I never did give it a thought, when I was living around, nothing about this excitement going to come up; if I had dont you know I would have kept track of the dates and the months and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A No, sir, I didn't , never want to the Choctaw Nation; my husband would go to Fort Gibson and haul around there, but I didn't go
Q Did your husband come back with you? A. Yes sir, he came back.
Q What was his name? A. Joe Rogers.
Q You and hi went and stopped right on Spring creek, at what house?
A I stopped in with my grandmother, old Granny Nannie some calls her.
Q How far is that from Katie Williams? A About ten or 12 miles I guess
Q You stopped then near down about Joe Vann's old place? A Yes sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that tim ? About three miles I guess.
Q Was she living right at the old Joe Vann place, or at her own place?
A She was living at her own place.
Q She was there when you lived there? A. Yes sir, I guess she was, I saw her the next spring after we came down.
Q What time was that you say you came back? A. In the fall of '66.
Q What month? A. I just cant tell what month it was.
Q Was it cold weather? A. Yes sir, it w s along in the fall like.
Q And you lived there three or four years before you moved off? A Yes sir
Q Then where did you go to? A. Moved up in the Lynche's settlement and [illegible]

staid there a while and then moved over here on Grand river, and then from there went here on Pryor creek, and staid there five or six years, and then back over here on Lightning creek.

(By W. W. Hastings) (Cherokee attorney) Your husband, Joe Rogers got killed? A. Yes sir, he got killed.

Q Bill Pigeon, a full blood Indian, killed him? A. Yes sir.

Q And he was indicted at Fort Smith in the United States Curt for killing him? A Yes sir.

Q And they sent for you? A Well, I didn't say it; they summoned me to come down there, and of course I had to go, but I never swore at all he was a non citizen here because I know he wasn't, and they didn't get the man.

(Commissioner)

Q What was your maiden name before you were ever married? A My maiden name was Pooley, or some called me Sarah.

Q What was your last name? A. Sarah Rogers.

Q Before you were ever married? A. Before I ever married?

Q Before you married any man? A My name was Sarah.

Q Sarah What? A. Sarah Vann.

Q What was your first husband's name? A. Joseph Rogers.

Q What was your next husbands name? A. James Whitmire.

Q Never been married but twice? A Just twice; James is dead.

Q Now Sarah, you have no children by Whitmire? A No sir

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows:

(Mr. Mellette) Q What is your name? A. L. D. Daniels.

Q What is your age? A. 56.

Q Where do you live? A. Post office, Claremore.

Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes sir.

Q Do you know the applicant here, Sarah Whitmire? A Yes sir.

Q How long have you known her? A I have known her something over thirty years.

Q Did you know her husband, Joe Rogers? A Yes sir, I was well acquainted with him.

Q How long did you know him? A. A bout 36 years, Joe Rogers.

Q When did you first see hi, after the war? Where did you first see him? A I seen him in Christmas, in '66, at Fort Gibson, at William P. Ross.

Q Do you know whether he was married to this woman at that time or not? A No sir, I didn't at that time but I did afterwards.

Q Was she there? A. No sir, he was just there himself.

Q How long after that before you saw her? A. It might have been, I dont know really, I believe it was the next summer I think.

Q Did you see Joe off and on after that? A. Yes sir.

Q What became of Joe? A He got killed.

Q Well, after you got acquainted with this woman, where did she live? A She lived on Grand river in the district of Saline.

Q Which side of Grand river? A. On the east side.

Q Which side of Grand river is Spring creek? A. On the east side.

Q It is not on this side then? A. No sir.

(Mr. Bell) Was you issuing rations at the time you saw Joe? A No sir, I was working for Bill Ross at that time.

Q That was Christmas of '66? A Yes sir.

Q What was Joe doing at Bill Ross'? A He went there to get an order ro see if he couldn't kill some beeves for his folks.

Q What time in Christmas was that? A. It was just after Christmas, it must have been about the 28th or 29th of December '66.

Q How long did you stay there? A Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or maybe longer before I found out what he was after.

Q Well he left there then did he? A Yes sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.

Q That was in '66? A Yes, that was in December, the latter part of December.

Q Then had had a law then authorizing the killing of these beeves? A They didn't issue the order whether there was any law or not, they had stopped at that time, the way he told Joe.

Q Wasn't there an act of Council authorizing beeves killed; stray cattle?
A I dont know anything about that, I got two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the Chief just issued you orders to go out and kill cattle? A. I guess so, he told me.
Q That is what you done? A. Yes sir, got an order from Cheif Downing, and it was the customs.
Q Well, Joe left then, did he, and went off? A Yes, I guess he did; I seen him the next summer after that; I was up there and seen him, up to Spring creek in the Cherokee Nation.
Q Where was he living? A Living right on the old Military road that leads to Tahlequah.
Q What place? A. Just the other side of old man Vann's between that and the mountai .
Q How far from old man Vann's? A Might have been a mile and maybe farther and maybe not quite so far.
Q Dont make it so indefinite; cant you make it a little mote definite than that? A. I think that is enough.
Q Might have been a mile and might have been more and might have been less? A It was in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A. Yes sir, the next summer.

FRANK ROSS, being duly sworn by Commisioner Needles, testified as follows-

(Mr.Mellette) What is your name? A. Frank Ross.
Q What is your age? A. 53.
Q Where dod you live? A. Lightning creek.
Q Are you a freedman citizen of the Cherokee Nation? A. Yes sir.
Q On the 1880 roll? A Yes sir.
Q Do you know the applicant, Sarah Whitmire? A. Yes sir.
Q What was her name before it was Whitmire? A Rogers.
Q Did you know her husband? A. Yes sir.
Q What was his name? A. Joe Rogers.
Q How long did you know Joe Rogers? A. Knowed him ever since he was a boy
Q How long have you known Sarah? A. Knowed her ever since she was a girl, raised together.
Q Who wa s her master? A. Joe Vann.
Q Is he a Cherokee Indian? A. Yes sir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A. I seen them in '60 on Spring creek.
Q Where is Spring creek? A. East of Grand river.
(Commissioner) Seen who? A. Joe Rogers and this applicant here.
((Mr.Mellette) Where did they live after that? A. They moved up on Grand river after that and then moved over on Pryor creek and then they moved on Lightning ~~creek~~ where she is living now.
Q What became of Joe Rogers? A. He got killed.
Q Who killed him? A. Bill Pigeon, a Cherokee
(Mr. Bell) Where were you living at, Frank? A Living down on the old Tom Rider place in '66
Q That the time you saw th?s applicant? A Yes sir, I had been down to Tahlequah and I was coming back home, and I saw them on Spring creek close to old Joe Vann's.
Q What time of the year was that? A. In the fall of '66.
Q How long had they been there? A I dont know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A. Yes sir, stopped there a little while
Q Was that house right on the road? A. It was close to the road, it wasn't right on the road.
Q Wasn't it half a mile from the road? A I dont think it was quite a half mile.
Q Didn't the old road go by old man Joe Vann's place? A Not right along there; there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road dont lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads, one forks and runs up on Spring creek, and one forks and goes to this place.
Q That is after you pass the old man? A Yes sir, not far; he lived below the road, kinder west of the Tahlequah road.
Q Well, didn't you have any talk with them about when they had come?
A No, never had any talk about when they come, but I saw them there.

Q You were acquainted with the bafore? A. Yes sir, I knew Joe Rogers and knew her when we were boys together.
Q And you just happen upon them there? A. I came from Tahlequah and stopped in there.
Q How did you know they lived there? A Because I knew they lived there, I heard; I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the Creek, Rab and House Rogers, and a whole lot of them living up there.

KATIE VANN, being duly sworn by Commissioner Needles, testified as follows:
(Mr. Hellette) What is your name? A. Katie Vann.
Q What is your age? A. 56 years old,
Q Are you a recognized freedman citizen of the Cherokee Nation? A. Yes sir.
Q Where do you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes sir.
Q How long have you known her? A Ever since she was a little child.
Q Did you know her owner before the war? A. Yes sir.
Q Who was that? A. Joe Vann.
Q Do you have any knowledge as to when she come back to the Cherokee Nation after the war? A. She was back in '66
Q How do you know? A. I saw them.
Q Where did you see them? A On Spring creek, in Saline district.
Q Where has she lived since that time, what country? A. She moved off over there about the river, I dont know whether it was Coweescoowee district or Delaware district.
Q Have you known her from that time on? A. Yes sir.
(Mr. Hastings) Did you go to Kansas yourself during the war? A. Yes sir
Q Who brought you back? A. My husband.
Q What was his name? A. Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A. In the spring of '66.
Q Did you make a crop down there that year, your husband? A No my husband didn't, but my brother in law did.
Q On whose place? A. Martha Vann's and Dave Vann's
Q Did you know Mrs. Archer before the war? A. Yes sir.
Q Know her after the war? A. Yes sir.
Q Where was she living when you came down there? A. Living on Grand river on her old place where we left her when we moved out of the country
Q This woman come back after you did? A. Yes sir.
Q Who brought her back? A. Her husband.
Q What was his name? A. Joe Rogers.
Q He was a colored man, was he? A. Yes sir.
Q Anybody else come back with them? A. Yes sir.
Q Who? A. William Tucker and his family is all I know of.
Q That is all you remember? A. That is all I can remember of coming back with them.
Q Where did they first live? A. Lived right across Spring creek east of where I lived.
Q How far was that from the old Vann place? A. Well about two miles I guess, or might be more.
Q What direction? A. East; kinder southeast.
Q How far was that from where Mrs. Archer lived? A. About four miles, as near as I can guess.
Q How long did Joe Rogers live there? A. I dont know, about a year or two.
Q Was he killed there? A. No sir.
Q Where was he killed? A. He was killed up in this district.
Q Bill Pigeon, a full blood Indian, kill him? A. Yes sir.
Q He was indicted in Fort Smith? A. I dont know about that.
Q You know he was indicted and scouted for it from the United States authorities? A Yes sir.
Q What Cherokees was living around there at the time that they first located there? A Well Miss Consinge.
Q Frank Consinge's wife? A. His mother, he was with his mother, he wasn't married then, and the Clingens, and Blackbird and Roastonear.
Q Did you testify before the Kern Clifton Commission for this woman? A No sir, she had other witnesses.

Q Did they make a place there? A. Yes sir.
Q And they lived there a number of years, did they? A They lived there about a year or two, I dont know which, they made a little field, small field, and lived there, and made a crop there.
Q Did all the colored people on that place come back here in '66? A I dont know any other years about all of them, but them I seen I know.
Q Do you know any other years but '66? A. Yes sir, I know some years.
Q What year were you married? A. I dont know.
Q What year were you born? A. I dont know.
Q What year was your oldest child born? A. I cant know the year it was
Q What year was the Wallce court? A I have got it down in a book.
Q What year was theWallace court? A. I dont know.
Q What year did the Kern Clifton court sit? A. I dont know; I dont want to answer them questions, that is not the kind of I am meant to answer; I am here for her, I don't - - -
Q You dont know any dates? A. I am not telling any lie at all about it
Q Do you know one date from another? A Yes sir, I do, I know some.
Q You dont know any of those dates? A. I know some but I dont know all, but I know '66 because they told us about '66 and sent for us.
Q Have they told you about that year since? A No sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband carried the papers out.
Q Was that after the treaty was made? A No sir, it was before.
Q And the papers was varried out before the treaty? A Yes sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A. Well she come in the same year, I know one spring from to another is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.
Q And you remember 35 years when you saw a person come in the neighborhood? A. I can remember when I saw a person where I saw them; I cant read and write.

SARAH WHITMIRE, recalled, testified:
(Commissioner) Why isn't William Rogers here? A He is in the penitentiary
Q Where at? A. Columbus, Ohio.
Q He is living , is he? A. Yes sir.
Q How long is he sentenced for? A Five years.
Q How long has he been there? A. Four years, he hasn't been there four years.
Q Why isn't Mary here? A. She can't come here, Mary is kinder mindless, something or 'nother, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A No sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A. Yes sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A. No sir, she wouldn't.
Q Did Mary come back with you when you came? A. No sir, Mary was born here.
Q William was born here? A Yes sir, after I come back.
(Mr. Hastings) What is William Rogers convicted of? A It is cattle, if he did it.
Q Stealing cattle? A. Yes sir, he denied he did it.
Q Who from? A. Lewis Wright.
Q This colored man Lewis Whitmire? A. Yes sir.
Q He is a citizen of the Cherokee Nation isn't he? A. Yes sir.
Q When was he convicted? A. It is going on four years now since he was convicted.
Q For stealing from Lewis Whitmire, who is a citizen here of the Cherokee Nation? A. Yes sir.
(Commissioner) You dont know whether Lewis Whitmire is on the 1880 roll or not? A Yes sir, he is, but of course the United States Court taken the case.
Q Do you know Lewis Whitmire is on the roll of 1880? A Yes sir.
Q How do you know that? A Have always claimed to be 1880 people.

-7-

Commissioner Needles:- Sarah Whitmire applies for the enrollment of herself and William Rogers and Mary Rogers. She avers that she was the slave of Joe Vann and that her maiden name was Vann; that she first married one Joe Rogers, by whom she had the two children for whom she applies. Since the death of Joseph Rogers, she has married to one James Whitmire, who is now living. She presents proof as to her citizenship and that of her husband. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1866. She is duly identified upon the Kern Clifton and the Wallace roll, as the Kern Clifton roll as Sarah Vann, and on the Wallace roll as Sarah Rogers. She cannot be identified upon the authenticated roll of 1880, or the census roll of 1896. She applies for the enrollment of her son, William Rogers, 26 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear for himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern Clifton and the Wallace rolls. He cannot be identified upon the authenticated roll of 1880. She also applies for the enrollment of her child, Mary Rogers, whom she claims is non compos, and not in a mental condition sufficient for her to testify; she is not married and lived with her, the applicant. Mary Rogers is duly identified upon the Kern Clifton roll. They are duly identified, but by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah ~~Rogers~~ Whitmire and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee freedmen.

SARAH WHITMIRE, recalled, testified:

(Mr. Mellette) Do you remember exactly when that boy was arrested?
A Ask that man (indicating) he said, he knows.
Q I say do you know? A. Yes sir.
Q When was that? A. It has been three years ago since he was been arrested.
~~Q Where was it~~ (By Mr. Hastings)
Q Where was he tried? A He was tried in Vinita.

= = = = = = = = = = =

Bruce C. Jones, being duly sworn, says that as stenographr to the Commission to the Five Civilized tribes he correct recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 28th of June 1901.

(Signed) T. B. Needles

Commissioner.

* * * * * * * * * * * * * * * * * * *

I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

(Chas von Weise)

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Augustus Rogers for enrollment as a Cherokee Freedman.

No. F. D. 991

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Augustus whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Augustus Rogers, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

Ft. 991

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Augustus Rogers for enrollment as Cherokee Freedmen:

Case No. F. D 991

To Augustus Rogers Hayden I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. Oct 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Augustus Rowe for enrollment as Freedmen of the Cherokee Nation.

W. O. Loquichie
Agent for applicant

No. FD 991

C FD 991

[illegible]

[illegible]

[illegible]

File with Cherokee Freedman D-991, Augustus Rogers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant:
W. W. Hastings, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Mary F. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 78 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek.
Q Now how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your father living there, you say, when the war came up? A Living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war.
Q Did you ever come back in the neighborhood of your old home place on Spring Creek? A After the war, yes, came right back.
Q Well, when did you come there? A We came there just a year after the war.
Q Now which year was that, you mean in the year '65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I lived on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father by the name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes sir.
Q You know of the circumstance of her husband being killed?
A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?

Mr. Mellette: I object to that question because it is leading.

Commissioner: You can ask her when she lived there; it is better to have asked when she came back; the question is leading, there is no question about.

A No.

Commissioner: She has answered no.

Q Now Mrs. Archer, about what time did you move on this place, of your father's, after the war, what time of the year? A In the spring.

Q Of what year, I mean '65 or '66 or '7? A About '65.

Q And how long did you live on it? A About a year I think, and then I moved on my own place; it was right there though.

Q This woman belonged to your father did she when the war came up? A Yes, she lived with him when the war came up.

Q How how long did you say you continued to live on that place within three quarters of a mile of your home place? A I lived on it for about 15 years, maybe longer.

Q Did you ever see this woman, Sarah Vann, who afterwards Joe Rogers, after the war? A Never met her.

Q And yet you lived there within three quarters of a mile of the old place? A Yes, sir.

Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No, I don't think she did, I certainly would have heard of her.

Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it.

Mr. Mallette: Well Mrs. Archer, you say you moved in that neighborhood in '65? A Yes.

Q Well then you changed places in '66, is that the idea? A Yes, about that.

Q Did you travel over the country a good deal after you came there?

A No, just around the neighborhood.

Q You didn't see this woman there at all? A No, never met her, never heard of her.

Q As a matter of fact you don't know where she was? A No.

Commissioner: This testimony will be filed with the original testimony in the case, and will also be made part of the record in D-932 and D-991.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Whitmire, et al., as Cherokee freedmen, consolidating the applications of

Sarah Whitmire et al	Cherokee Freedmen D	806
Patsy Whitmire	Cherokee Freedmen D	932
Augustus Rogers	Cherokee Freedmen D	991
Sam Rogers	Cherokee Freedmen D	1122

D E C I S I O N .

The record herein shows that the applications were made to this Commission by Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire, for his wife, Patsy Whitmire; by Augustus Rogers, for himself, and by Eliza Rogers, for Sam Rogers, as Cherokee freedmen.

The evidence shows that Sarah Whitmire was the slave of one Joe Vann, a Cherokee citizen, at the commencement of the rebellion, and left the Cherokee Nation during said rebellion returning thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. versus Cherokee Nation, et al. for the return of freedmen to the Cherokee Nation.

The evidence further shows that Sarah Whitmire is the mother of all the applicants herein; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his said mother and has continued to live in said Nation continuously since that time.

The evidence further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return thereto as hereinbefore shown, and that her children, William, Mary and Augustus Rogers, and Patsy Whitmire, were born in said Nation subsequent to their said mother's return thereto as hereinbefore shown, and have lived therein all their lives.

It is, therefore, the opinion of this Commission that Sarah Whitmire, William Rogers, Mary Rogers, Patsy Whitmire, Augustus Rogers and Sam Rogers should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

(SIGNED). Tams Bixby.

Chairman.

(SIGNED). T. B. Needles.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

this _____.

Chen F. 1508

Richard Riley et al,

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes
FILED
JUL 29 1908
J. G. Wright,
Commissioner.

-: mahogee Okl July - 29 - 08

This is to certify that I ~~am~~ was legally married to anthony Ross on June 26 - 1907 my name was formerly willie Riley card no F. 1558 Roll F. 4356 and my Post office is Haydens Okl.

Willie Ross.

H0991

MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Augustus Rogers,
[illegible]arden, I.T.
[illegible]-D-991
Register.

COPY.

Cherokee Freedmen

D-991.

Muskogee, Indian Territory, November 11, 1904.

S. S. Clover,

Attorney for Augustus Rogers,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 29, asking to be advised as to the status of the application for the enrollment of Augustus Rogers as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

(C O P Y)

Tahlequah, Indian Territory, February 11, 1908

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Upon careful reconsideration , I am of the opinion that the applicants in Cherokee Freedman Doubtful case 800, 932, 991 and 1122 consolidated, Sarah Whitmire et al., should be denied enrollment.

They all depend upon the date of the return of Sarah Whitmire after the treaty of 1866.

She says she has been here all the time; but she is not on the '80 roll or the '96 roll. None of them are on any of these rolls.

Her testimony is completely refuted by that of Mrs. Archer, daughter of her former owner.

Lewis Daniels, a professional witness, is too indefinite to be of any value, even if he could be believed; and the other witnesses for her add no strength to her case.

I suggest the case be reconsidered and that all of these applicants be denied enrollment. If this is not concurred in, I vote no, and hope the case will go to the Department for final determination.

Respectfully
(Signed) C.R. Breckinridge
Commissioner in Charge.
Cherokee Land Office

MH
Enc. H-024

COPY.

Cherokee Freedmen

D-991.

Muskogee, Indian Territory, March 23, 1905.

Augustus Rogers,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the application for your enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-70.
Register.

COPY.

Cherokee Freedmen

D-806 et al,

Muskogee, Indian Territory, March 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting the applications for the enrollment of Sarah Whitmire, et al. as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Incl. S-74.

COPY.

Cherokee Freedmen
D-806 et al.

Muskogee, Indian Territory, March 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sarah Whitmire et al. as Cherokee freedmen, including the Commission's decision dated March 23, 1905, granting said applications, Commissioner C. R. Breckinridge dissenting.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-75.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:

Land.
22979-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the applications for enrollment as Cherokee Freedmen by Sarah Whitmire for herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Eliza Rogers for Sam Rogers.

March 23, 1905, the Commission decided favorably to all the applicants. There is filed a dissenting opinion by Commissioner Breckinridge.

The record shows that Sarah Whitmire was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and returned to the Nation on or before February 11, 1867. The record further shows that Sarah Whitmire is the mother of all the other applicants; that Sam Rogers was born in Kansas during the war but returned to the Cherokee Nation with his mother and has

continued to live in the Nation since that time. The record further shows that Sarah Whitmire has lived in the Cherokee Nation continuously since her return, and that her children, William, Mary and Augustus Rogers and Patsy Whitmire were born in the Nation subsequent to their mother's return and have lived therein all their lives.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larnabee,

Acting Commissioner.

M.M.M.
W.

-Copy-

J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.17759.
I.T.D.3612-1905.

May 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On March 23, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision of the same date, granting the applications of Sarah Whitmire for the enrollment of herself and her children, William and Mary Rogers; by Nathan Whitmire for his wife, Patsy Whitmire; by Augustus Rogers for himself, and by Sam Rogers for himself, as Cherokee freedmen. With the decision of the Commission was also transmitted a dissenting decision by Commissioner C. R. Breckinridge.

Reporting April 7, 1905, the Indian Office recommended the approval of the decision favorable to all the applicants. A copy of its letter is inclosed.

The only testimony adverse to these applicants appears to be that of Mary F. Archer, daughter of Joseph Vann, who, prior to the war, owned Sarah Whitmire. It is not considered that Mrs. Archer's testimony is sufficient to over come the evidence Presented in favor of the applicants. The prindipal question

-Copy-

asked Mrs. Archer was leading, relative only to the return of Sarah Whitmire and her husband to the old home place of the Vanns. Sarah Whitmire testified that she returned to her grandmother's, three miles from where Mrs. Archer lived.

In view of these facts, the decision of the Commission to the Five Civilized Tribes dated March 23, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.
LC

Cherokee Freedmen

D-806, et al.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, the applications for the enrollment of Sarah and Patsy Whitmire and William, Mary, Augustus and Sam Rogers as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-64
LS

Acting Commissioner.

Cherokee Freedmen

D-991.

Muskogee, Indian Territory, May 22, 1906.

Augustus Rogers,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 23, 1905, granting, among others, your application for enrollment as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting, was affirmed by the Secretary of the Interior on May 8, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and affirmed by the Secretary of the Interior, of which action you will be duly notified.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-63
LS

Acting Commissioner.

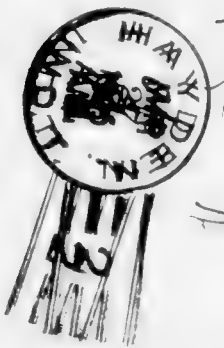
Uniontown — Oct. 4 — 5 — 1865

2

4/5

Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

6-34
6-70



~~Augustus Rogers,~~

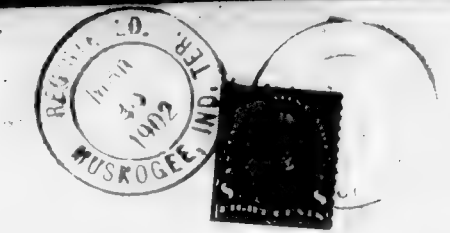
~~Hayden~~, Indian Territory.

~~GUARDIAN~~ Minter

REGISTERED

VINITA, IND. TER.


MUSKOGEE IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mr. Augustus Rogers,

Hayden, Indian Territory.

REGISTRY RECEIPT.

Post Office at

Registered ~~Letter~~ ~~Parcel~~ No. Recd 190

of

addressed to

P.M.

Cher Fr 1509
Trans. from Cher Fr D107

Cher Fr 1509

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

ELLIS ROGERS,

as a Cherokee Freedman.

CHEROKEE FREEDMAN D 107.

DEPARTMENT OF THE
VISION TO THE FIVE C
FILED
APR 19 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 18th 1901.

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge testified as follows:

Q What s your name? A. Ellis Rogers.
Q How old are you? A. 39.
Q What is your post office? A. Okoutesa.
Q In what district do you live? A. Saline'
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you what to have enrolled besides yourself? A. Only just myself.
Q How long habe you lived in the Cherokee Nation? A. Ever since peace
Q Where were you born? A. In Saline District, Cherokee Nation.
Q Where were you during the war between the Union and he Confederacy
A In the Chickasaw Nation.
Q When did you go to the Chickasaw Nation? A. Cant remember.
Q When did you leave there? A. In 1866.
Q Give me the name of your father? A. Columbus Rogers.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. About 26 years.
Q Gibe me the name of your mother? A. Mary.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. 24 years.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 115, No. 2853, Ellis Rogers, Saline district.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant not identified thereon.

The 1896 census roll of the Cherokee Nation examined and the applicant not identified thereon.

Q Who here knows when your mother came back to the Cherokee Nation? John Chase.
Q Where is he? A. He is here in town.
Q What is he? A. A Cherokee Freedman.
Q Was your mother a slave in the old times? A. Yes sir.
Q Who did she belong to? A. Olem McNair.
Q Is he dead? A. Yes sir.
Q Has he any children living? A. No sir.
Q Is his wife living? A. No sir all dead.

By W. W. Hastings, Cherokee Representative-

Q You say you came to Saline when you first remember after he war? A Yes sir.
Q Did you live near Dr. McNair? A. Yes sir.
Q Name some of the other Cherokees that were living there? A. Bunk Markum.
Q How far from Bunk Markum's place did you live? A. I dont ~~remember~~ remember exactly.

By the Commission-

Q Do you remember when you came back? A. I was awfully small when I came.
Q Were you born in the Chickasaw Nation? A. No sir in the Cherokee Nation, in Saline district.

By Commissioner Breckinridge,-

The applicants states that he was born

Ellis Rogers #.

in the Cherokee Nation, and was taken to the Confederate Nation during the war, and came back to the Cherokee Nation after the war. His father appears to have died 25 years ago and his mother 24 years ago. The applicant is [illegible] not identified on the roll of 1880 or the roll of 1896, but is identified on the Kerns Clifton roll. There is no evidence adduced at this time to show that the applicant's mother returned to the Cherokee Nation, nor to identify him in any manner other than his enrollment on the Kerns Clifton roll; he will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await further evidence and for the further consideration of his case.

//////////

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 19th of April, 1901, at Fort Gibson, I. T.

C R Breckinridge

Commissioner.

[redacted]B F.D. 187

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 18 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 18 1901

Post Office ~~Shotgun~~ Chesteen

District Saline

1. Name Ellis Rogers Age 39

Owner's name Citizenship

Year K C Page 115 No. 2853 District Saline.

Parents:

Father Columbus Rogers Citizenship Col D

Mother Mary Rogers Citizenship Col D

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No (1) Stenographer Jan Weise Chas

FILED
APR 22 1901

ACTING CHAIRMAN

SUPPLEMENTAL, D 107

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft Gibson I.T., April 20,1901.

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman;
Clark Grimmett, being sworn and examined by Commissioner Brookinridge, testified as follows:

Q Give me your full name? A Clark Grimmett.
Q How old are you? A About 48 years old.
Q What is your post-office address? A Ft. Gibson.
Q In what district do you live? A Tahlequah.
Q You want to give some evidence in the case of Ellis Rogers do you? A Yes sir.
Q How long have you known Ellis Rogers? A I have known him ever since 1865.
Q How long have you lived in the Cherokee Nation? A I have ~~xxx~~ been always living here only about two or three years.
Q Did you know the father of Ellis Rogers? A No sir, I didn't know him personally; I know his name.
Q What was his name? A We called him Columbus McNair.
Q Did you know the mother of Ellis Rogers? A Yes sir.
Q What was her name? A Mary.
Q Who did Ellis Rogers belong to during the war? A Belonged to Martin Thompson.
Q Did his mother belong to Martin Thompson? A Yes sir.
Q His father also? A Yes sir.
Q Where did Martin Thompson live? A After the war he lived on Pryor's Creek.
Q Where did he live before the war? A I don't know sir.
Q Where did he live during the war? A He lived in Texas.
Q You don't know where he lived before the war? A No sir.
Q Was Martin Thompson believed to be a Cherokee citizen? A Yessir
Q To whom did you belong? A Tom Pettit.
Q Where did he live? A He lived in Flint District.
Q How far was that from where Martin Thompson lived?
A I don't know where Martin Thompson lived before the war.
Q I am talking about when he lived on Prior Creek? A I don't know; Pryor's Creek is this way and Flint is back there; it is about sixty miles.
Q You were out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A I went to Texas.
Q Then when you came back you came up here to Flint District
A No sir, I stopped here at Ft. Gibson first.
Q How long did you stay here? A I guess a month.
Q Then where did you go? A Park Hill, close to Tahlequah, in Tahlequah District.
Q Well what do you know about Ellis Rogers and his people coming back here after the war? A He come right back here with me; rode in the wagon with me; I drove a team for Martin Thompson and he rode in the wagon that I drove.
Q Who was with him? A His mother.
Q And did he come with you here to Ft. Gibson? A Yes sir, we stopped down here on the Arkansas River just below the mouth of Grand River; of course I went on with Mr. Thompson and drove the team to Pryor's Creek.
Q How old was Ellis Thompson then? A He looked to be about five or six years old. He was small; wasn't big enough to drive a team.
Q Had they been staying in the same neighborhood down in Texas where you were staying? A Yes sir, right in the same neighborhood.
Q But you don't know anything about where they came from to that neighborhood? A No sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Who else came along in this crowd with you? A Johnson Thompson, that's Martin Thompson's brothers, old Man Jim Allen Thompson and Mot Thompson.
Q Have you known Ellis Rogers ever since? A Yes sir.
Q Has he lived in the Cherokee Nation ever since? A Well I don't know where he has been since that time.
Q How far have you been living from him for the past few years?
A Well he lives in Coowescoowee and I have been here in Tahlequah District ever since we come back; just no further than Tahlequah and back here.
Q You say his mother belonged t Martin Thompson? A Yes sir.

JOHN CHASE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John Chase.
Q How old are you? A I expect I am about 60.
Q What is your post-office? A Ft. Gibson.
Q In what district do you live? A Illinois.
Q Do you want to give some testimony in the case ofEllis Rogers is that what you are here for? A I don't know him by that name.
Q I didn't ask you whether you knew him or not, I want to know if that's the case you are here to testify about? A Yes sir.
Q What name do you know him by? A McAnair, that's what I knowed hisfather by and mother.
Q How long have you been in the Cherokee Nation? A Ever since the time of the war.
Q Didn't live here before the war? A No sir.
Q Nor during the war? A Yes sir.
Q Where did you come from here? A Washington City; come from Arkansas here.
Q How did you happen to come over here? A I was sold there and brought to Arkansas, and when the war broke out I come over here with the Cherokees.
Q Were you sold from Arkansas over here? A No sir, I just got with the Union Army and come here, with the Cherokees.
Q Where did you live in Arkansas? A Lived up here about Bentonville.
Q Who owned you in that day? A Man by the name of Harris.
Q You remember his full name? A No sir, I don't remember his full name; I know he went by the name of Harris though.
Q Well when the war closed you were with the army? A Yes sir.
Q Where were you then? A Right here at Ft. Gibson.
Q What did you do? A Drove a team in the army at the time of the war.
Q When you were discharged from the army and quit driving a team what did you do then? A Went to work for Mr. Florinne Nash.
Q And you have lived in the Cherokee Nation ever since? A Yes sir ever since.
Q How long have you known Ellis Rogers? A I knowed him when his mother used to work with me at Mr. Nash's.
Q Did you know his father? A Yes sir.
Q What did they call hisfather? A Columbus McNair around here.
Q And his mother? A His mother was named Mary.
Q Why did they call him McNair? A I don't know; that's the name he went by and here.
Q You don't know anything about his father or mother except when you saw them before or after the war? A No.
Q When did you first see them after the war? A When I first saw them after the war it was after the time of the cholera after the war; I was working for Mr. Nash.
Q What year did they have the cholera in? A '65 I think.
Q Plenty of the old people here know about the cholera & they?
A They ought to.
Q But you can't say just what year it was? A No sir.

Q You say them then, and don't know anything about either of them before that time? A No sir, didn't know a thing about them.
Q Have you known this man Ellis Rogers from that time down to this time? A No sir, his mother took him and went away when she quit Mr. Nash's; she went up on the river here somewhere and lived, and I lost sight of him.
Q And you haven't seen him from that day until here lately? A No sir, aint seen them from that day until a few days ago.
Q He was a little child then? A Yes sir.
Q You wouldn't recognize him now? A I told him I couldn't recognize him; all I could do was to recognize the people he claimed to be his people.
Q How long after the cholera, a year after the cholera? A I think it was about a year after the cholera.

Examined by Cherokee Representative, W.W.Hastings:

Q You had lived here the year before? A Yes sir.
Q If he had been around here, or his mother, you would have gotten acquainted with him? A I think I would.

L.D.DANIELS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name A L.D.Daniels.
Q How old are you? A 56.
Q What is your post-office? A Claremore.
Q How long have you livedin the Cherokee Nation? A All my life.
Q Did you ever live here at Ft. Gibson? A Yes sir.
Q When were you at Ft. Gibson? A I were here from March 15th, 1863 up to this time.
Q But you are at Claremore now? A Yes sir.
Q How long since you have been at Claremore? A I moved away from here in '75, 4th day of December, 1875.
Q Did you live here at Ft. Gibson from 1863 to 1875? A Yes sir, part of the time I lived about four miles from here.
Q Do you remember a time known as the cholera year at Ft. Gibson? A Yes sir.
Q They had a bad attack of cholera did they? A Yes sir.
Q Great many people died? A Yes sir, good many; they issued nine coffins one day.
Q What year was that? A That was in 1867, commenced about June, I believe, or the latter part of May.
Q You remember that distinctly? A Oh I know it to be a fact.
Q Everybody was pretty badly alarmed that year? A Yes sir, Major H------ got me to get the colored people to move out of town, he quit issuing rations and said he would issue rations to them again if I would move them out on the branch, and we left here on the 5th day of July, 1867.
Q He was a United States officer? A Yes sir.

Examined by Cherokee Represent ative, W.W.Hastings:
Q You were engaged in feeding these rations to them, carrying them to them A Yes sir, I was waiting on them.

------••••••------

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 22, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman.

No. F. D. 107

Henry Pack, of lawful age, being duly sworn on oath states that on the 6th day of Sept, A. D., 1901, he registered to Ellis Rogers whose postoffice is Chelsea Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at~~ I ~~Indian Territory~~, and that on the 16th day of Sept, 1901, he received the return card which is hereto attached, signed by the said Ellis Rogers, showing that he had received said notice.

Henry Pack

~~Subscribed and sworn~~ to before me on this the 16 day of Sept A. D. 1901.

Seal

J. C. Clark
Notary Public.

NOTICE!

IN THE MATTER OF The application of Ellis Rogers for enrollment as a Cherokee Freedman:

Case No. F. D. 107

To Ellis Rogers Chouteau I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ***Vinita, Indian Territory.*** Indian Territory, on the following dates, to-wit: Oct 3rd 1901 at 9 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of September, 1901.

L B Bell

Attorneys for the Cherokee Nation.

F D. 107.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 1901.

Given under my hand this .....

day .....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of ..... , 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

Ellis Rogers

on the 7 day of Sept A.D.1901

Nilson Lowes

Subscribed and sworn to before me this 7 day of Sept A.D.1901.

J C Lair
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 7 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF The application of Ellis Rogers for enrollment as a Cherokee Freedman:

Case No. F. D. 107

To Ellis Rogers

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Ok 3rd Indian Territory, on the following dates, to-wit: A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 2 day of 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman.

No. F. D. 107

I, J. C. Kearns, of lawful age, being duly sworn on oath states that on the 17th day of June, A. D., 1901, he registered to Ellis Rogers whose postoffice is Chanlean Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita Indian Territory; and that on the 22nd day of June, 1901, he received the return card which is hereto attached, signed by the said Mr. Ellis Rogers showing that he had received said notice.

J. C. Kearns

Subscribed and sworn to before me on this the 22 day of June, A. D. 1901.

W. W. Hastings
Notary Public.

(Seal)

F.D. 107.

DEPARTMENT OF THE INTERIOR
TO THE ... STATES
FILED
AUG 1901

NOTICE!

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman.

Case No. D107

To Ellis Rogers

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: May 2 & 4 1901, A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this day of May 1901.

L. B Bell,
W. W. Hastings,
J. S. Davenport,
Per---
Attorneys for the Cherokee Nation.

United States of America,)
Indian Territory,) s s
Northern District.)

I do solemnly swear that I delivered a true copy of the within notice to on the day of A. D. 1901.

Subscribed and sworn to before me this day of 1901.

Notary Public.

3

Supplemental D-107.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 24, 1901.

In the matter of the application of Ellis Rogers for enrollment as a Cherokee Freedman.

Applicant present in person;
Cherokee Nation, present by its attorneys;

J. A. Thompson, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A J. A. Thompson.
Q How old are you? A 51.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Have you lived here all your life? A Yes, sir, only during the war I was out about five or six years.
Q You are here I believe to give some testimony in the case of Ellis Rogers, a Freedman? A Yes, sir.
By W.W.Hastings, Cherokee attorney: What was your father's name?
A Johnson Thompson.
Q What was your grandfather's name? A James Allen Thompson.
Q Do you know Martin Thompson? A Yes, sir, he was an uncle of mine, my father's brother.
Q Who returned to the Cherokee Nation with you after the war?
A Well my father and grandfather and Dave Landrum and Ben Landrum.
Q Then you returned with your father and grandfather? A Yes, sir, we all came up together.
Q Do you know the applicant, Ellis Rogers? A I don't know whether I know him or not.
Q This man right here (indicating)? A I don't know him by that know.
Q Did he return to the Cherokee Nation along in the crowd that you came with? A Uncle Martin didn't come up with us, there was only four darkies came up with us, one that father brought and one that grandfather brought, and the Landrums had a couple: there was only four in the outfit.
Q Did Martin Thompson come along with you? A Yes, sir.
Q He didn't come the same time? A No, sir, he never came in the same outfit we did.
Commissioner: Are you personally acquainted with this applicant, Ellis Rogers? A No, sir.
Q Do you know Columbus Rogers? A No, sir, I don't know him either.
QQ Do you know a colored woman named Mary Rogers, wife of Columbus?
A No, sir.
Q You came back after the war with Johnson Thompson? A Yes, sir, he is my father, and James Allen Thompson, my grandfather.
By applicant, Ellis Rogers: You don't know a colored woman worked for old man Martin down on Red River? A I disremember.
Q Mary? A Mary, I disremember.
Q You were not there when Blue Thompson killed Alex Stanford? A Yes I saw that.
Q Well I was there. A You see we came up in two crowds, Uncle Martin came up with them McNairs.
Q That is Jack McNair: I knowed him all right, I remember him, and old man Thompson, and all the Thompsons.

Ellis Rogers, recalled, testified as follows:
Commissioner: Do you remember when you came back to the Cherokee Nation? A No, sir, only what Mr. Martin Thompson told me, I don't know, I got what I knew from him before he died, all that I know is

Ellis Rogers : 2.

Dent from him, he said it was in '86, that is all I know about it.

Commissioner: This will be filed as additional testimony in case D-107.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedin s and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C Jones

Sworn to and subscribed before me this the 27th of May 1901.

Commissioner.

C 7 E 107

OCT 1 1965

C.F.D. 107.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ELLIS ROGERS as a Cherokee Freedman

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

ELLIS ROGERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ellis Rogers.
Q What is your post office? A Cheuteau.
Q How old are you? A I am forty-two now, I was forty when I applied two years ago.
Q Were you born before the commencement of the war? A Yes sir, said to be, from old people.
Q Who do you claim through, your father or mother? A Through my mother.
Q What is her name? A Her name was Mary Rogers by marriage, but Mary McNair by ownership.
Q Was your mother a slave at the commencement of the war?
A Yes sir, she was indeed.
Q Who did she belong to at the commencement of the war?
A Martha McNair, but from that her name was changed to Martha Rogers, and from that she married Thompson, still my mother was her property.
Q Did your mother -- who was Martha McNair's husband? Who was the husband of Martha McNair at the commencement of the war?
A Martin Thompson.
Q Was Martha McNair a Cherokee citizen? A Yes sir, she was a Cherokee citizen.
Q Who was Clem McNair? A There was several Clems. There was old man Clem, her father, then she had a cousin by the name of Clem.
Q Did your mother ever belong to Clem McNair? A Yes sir. He left, they tell me, and went to California, and of course the old lady held the slaves.
Q Was Clem McNair the husband of Martha McNair? A Father.
Q And your mother belonged to Martha McNair at the commencement of the war? A Yes sir.
Q Were you living with your mother at the commencement of the war?
A Yes sir, Mrs. Martha McNair too. Thompson was her name at the commencement of the war. She owned my mother and me.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir, down into the Chickasaw.
Q When did you come back? A Oldman Martin Thompson told me it was in '66. Now I got that from him and not from nowhere else but him. Before his death he told me that, the last time I was at his house.
Q Who did you come back with? A Old man Martin Thompson.
Q Did anybody else come in the same crowd with you, any colored men? A Clark Grimmett was his ox driver, and a darkey, Thompson, colored people, and old man Martin Thompson's father.
Q Any other colored people, men and women, come back with you, in the same crowd with you? A Nancy Taylor, but she's dead; old Aunt Ibby Smith on Four Mile Branch. That's about all I can remember.
Q They all came at the same time you did? A Yes sir, they did.

Q About how old were you when you came back after the war?
A I don't know how old, I was small.
Q Do you remember it yourself, about coming back?
A Yes sir, I remember, it was in the fall of the year, because for the reason I know they were digging potatoes before we left there. Old man Martin Thompson dug his potatoes, and when we got back to Fort Gibson it was cool weather.
Q Did you come to Fort Gibson? A On the Arkansas River, ranter, and come on to Pryor Creek.
Q Who did you see when you got back, colored people?
A Several of them. Old Aunt July Martin, Aunt Viney Stokes up here, Frederick Martin, and several other colored people. Of course I aint named them all. I only remember those well I come back with.
Q How long did you stay at Fort Gibson then? A I don't know sir just how long , didn't pay any attention. I was small and didn't pay any attention to it like I would now.
Q Do you know why your name ins't on the 1880 roll?
A No sir, I don't know. But I know I drew in 1880, I am confident of that. Because I went to Tahlequah in the fall of 1880. I don't know whether I was on the original roll or not, but I got the money at Mr. Clark's store.
Q Where were you living in 1880? A I was living up on Verdigris in 1880 in the winter, and in the summer down here on Grand River.
Q What district did you live in in 1880? A Cooweescoowee all the time.

MR. HASTINGS: All that you know about your ownership before the war is what has been told you? A Yes sir.
Q You were told you came back in 1866? A Yes sir.
Q That's all you know as to the year, that ~~xxx~~ it was you came back in, what people told you about it? A Yes sir.
Q You were born, according to your statement, about 1861?
A Yes sir.
Q Just about the beginning of the war? A Yes sir, somewhere along there.

BY COMMISSION: You were born before the war, weren't you?
A Some said, but you see I don't know, I couldn't tell.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

Wm Hutchinson

Subscribed and sworn to before me this 15th day of October, 1903.

Charles H. Sawyer
Notary Public.

FILED
OCT 27 1903
COMMISSION TO FIVE TRIBES.

Cher. Fr. D-107.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 23, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ELLIS ROGERS as a Cherokee Freedman.

Appearances:
W. W. Hastings and L. B. Bell, attorneys for Cherokee Nation

L. D. DANIELS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A L. D. Daniels.
Q How old are you? A I was fifty-eight the 15th of last June.
Q State your post office address? A Lenapah.
Q Do you know Ellis Rogers? A Yes sir.
Q The same Ellis Rogers who is an applicant for enrollment as a Cherokee freedman? A The boy that washere yesterday afternoon?
Q Yes. A Yes sir.
Q How long have you known him? A I have seen him here the spring- I wouldn't be positive, but I think it was the spring of '66, or summer.
Q Was he the slave of a Cherokeed tizen at the commencement of the war? A I don't know his ownership at all.
Q You think you saw him in '66? A Yes sir, I am satisfied I seen him, it was either the summerof '65 or '66, I think, if I am correct, when I seenhim.
Q Who was his mother? A I can't call her name, Mary somebody.
Q Was it Mary Rogers? A Her husband was Columbus. I don't know whether he belonged to the Rogers or not, but his name was Columbus. He soldiered in the Second Regiment with me during the war.
Q Where did you first see Ellis Rogers? A At Fort Gibson, when his mother brought him there, and her husband.
Q What time of the year do you think that was? A It was in the summer season.
Q The summer of '66? A Either '66 or '65, somewhere along there.
Q How long did he stay there at that time? A They didn't stay there very long, not more than t hree or four months. His father was teaching school there.
Q Where did Ellis go at that time? A His father moved up on Grand River, I don't know whetherit was in Saline or where. They went away from Gibson.
Q Did they stay as long as a year at Fort Gibson at that time?
A No, I don't think they stayed as long as a year down there.
Q Did you see him often during that time? A No sir, I don't remember of ever seeing him until I moved up in Cooweescoowee District from Fort Gibson in 1875. After that I seen him, but he was nearly grown then.
Q Who was he with when you saw him at Fort Gibson? A His mother. She was said to be his mother, Mary.
Q Did they live in Fort Gibson for a while? A Mighty short time. His mother worked there for Mr. Flor - Nash.
Q You are not positive, then, whether you saw him in '65 .. '66?
A No sir, I am not positive at all, because I don't know really just the date exactly when it was.

MR. BELL: Who did you say his dad was? A Columbus, that's the way we called him. I know you seen him after you came here. He was living there. They hadto carry him in a chair, by exposure during the war he hadtaken rheumatism, he was a crippled man. He didn't walk any before he died. He soldiered in the Second Indian Regiment Company G.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notestherecf.

Wm Hutchinson

Subscribed and sworn to before me this 26th day of October, 1903.

Charles D Haemer
Notary Public.

FILED

FILED
OCT 27 1903
COMMISSION TO FIVE TRIBES.

Coffee

Cher. Fr. D-107.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ELLIS ROGERS as a Cherokee Freedman.

Appearances:
L. B. Bell and J. S. Davenport, Attorneys for Cherokee Nation.

COLUMBUS McNAIR, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Columbus McNair.
Q How old are you? A Fifty-four.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you know Ellis Rogers? A Yes sir.
Q Who was his father? A Columbus Rogers was his father.
Q Who was his mother? A Mary.
Q Are they both dead? A Yes sir.
Q Was Ellis Rogers born before the commencement of the war?
A Yes sir.
Q Who did he belong to? A Martha McNair, formerly Martha Thompson, but at the beginning of it it was Martha McNair.
Q Where was Ellis Rogers living at the commencement of the war?
A Lived down here on Pryor Creek.
Q In the Cherokee Nation? A Yes sir.
Q Was he taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where was he taken to? A Went down south, to Texas, and from Texas back to the Chickasaw Nation.
Q When did he return after the war? A Returned in '66.
Q What time of the year? A In the fall.
Q Who returned with him? A His master and missus returned with him, they brought him back.
Q That is, Martha McNair? A No sir, Martin Thompson brought him back.
Q Anybody else? A A great many came back, I wasn't in the crowd.
Q Do you know who all came back with Martin Thompson at that time?
A No sir, I don't.
Q Do you know anybody that came back besides Ellis Rogers?
A Clark Grimmett and his mother.
Q Whatis her name? A Amy Pettit.
Q She came back with them? A Yes sir.
Q Who else? A I don't know, I didn't come back in the crowd with them. I wasn't in the crowd when they came back.
Q Did you come back before that or after? A I come back before they did.
Q Where did you first see Martin Thompson after the war?
A I saw him after the war on Pryor Creek, first after the war.
Q When did you see him? A It was in '67 I seen him first after the war.
Q When did you first see Ellis Rogers after the war?
A Never saw Ellis Rogers, along about '67 when I sawhim after the war.
Q You didn't see Ellis Rogers then until 1867? A No sir.

Q How do you know when he came back after the war?
A I am not stating. When they came back they stopped at Fort Gibson. I wasn't there but this Nancy claimed that his mother stopped there and worked for him. I didn't see him there.
Q You only know then what they told you about when they came back
A According to what old man Thompson told me they all lived within the same neighborhood.
Q Is old man Martin Thompson dead? A yes sir.
Q

MR. DAVENPORT: Of your own knowledge you don't know anything about when Ellis Rogers came back? A No sir, I don't.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of October, 1903.

Charles H. Lawyer
Notary Public.

Cherokee Freedman D 107

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ellis Rogers as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 18, 1901, Ellis Rogers appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had April 20, 1901, at Fort Gibson, Indian Territory, and May 24, 1901, and September 22, 23 and 24, 1903, at Vinita, Indian Territory.

The evidence in this case shows that one Jery Rogers, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion, was the mother of the applicant, Ellis Rogers; that said applicant was born about the year 1862, and, together with his said mother, was taken from the Cherokee Nation during the rebellion, but, in company with his mother, returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and has since continuously resided in said Nation.

It is, therefore, the opinion of this Commission that Ellis Rogers should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,
this JUN 16 1905

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

NOV 27 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELLIS ROGERS as a Cherokee Freedman.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its representative, J. S. Davenport.

The records of this office show that on October 16, 1905, this case was remanded by the Secretary of the Interior for further hearing, and that on November 4, 1905, the applicant and the Attorneys for the Cherokee Nation were duly notified that they would be permitted to appear before this office and introduce further testimony on November 16, 1905, at which time the following proceedings were had.

ELLIS ROGERS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Ellis Rogers.
Q How old are you? A I must be about 42 or 43.
Q What is your post office? A Choteau.
Q Are you a Cherokee freedman? A I am sir.
Q What is the name of your father? A Columbus Rogers.
Q Is he dead? A Yes sir.
Q Was he a Cherokee freedman? A Yes sir.
Q What was the name of your mother? A Mary Rogers.
Q Is she dead? A Yes sir.
Q What was the name of her owner? A Martha Thompson.
Q Was she a Cherokee by blood? A Yes sir.
Q Which died first your father or mother? A My fahher.
Q Did he die before the war? A No sir, since the war.
Q Did your mother die before or after the war? A After the war.
Q Do you remember your father? A Yes sir, I remember him good.
Q How old were you when he died? A About 12 years old.
Q How old were you when your mother died? A I judge about 14 something along in there.
Q Did your mother ever belong to any one besides Martha Thompson?
A Her mother belonged to that family, Miss Susie McNair was her owner.
Q Who was your mother's owner? A Susanna McNair the first and the second her daughter, Martha Thompson.
Q When did your mother areturn to the Cherokee Nation after the war? A Well I remember what I can from what that man Martin Thompson beforehe died he said it was in the year '66. That is what he told me.
Q You of course was too small to remember? A Yes sir.
Q Did you come back to the Cherokee Nation with your mother?
A Yes sir, I did.
Q How about your father? A He was here somewhere, I don't know where.
Q You claim only through your mother, do you? A Through my mother.

Q Now have you lived in the Cherokee nation continuously since you came back with your mother until the present time? A Yes sir, I have claimed no other place.
Q Have you ever owned any property in the Cherokee nation, any farm? A Yes sir, I have got one there now.
Q How long have you held it? A For about 5 years.
Q Are you married? A No sir.
Q Got no children? A No sir.

BY MR. DAVENPORT:
Q You stated you didn't know when your mother returned? A No sir.

W I T N E S S E X C U S E D.

JIM RIDER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Jim Rider.
Q How old are you? A I don't know exactly but I am about 57 years old.
Q What is your post office? A Choteau.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know this applicant Ellis Rogers? A Yes sir.
Q How long have you known him? A I have knowed Ellis ever since the commencement of the war, I don't know just how long that has been.
Q Do you know the name of his father? A Yes sir.
Q What was it? A Columbus.
Q Do you know the name of his mother? A Yes sir.
Q What was her name? A Mary.
Q What was her owner's name? A McNair, Susanna McNair is her former owner.
Q What was the name of the husband of Susanna McNair? A No sir, I don,t know his name but I knew her very well, she was a white woman.
Q She was a Cherokee was she? A Yes sir.
Q What became of Mary Rogers at the breaking out of the War?
A Stayed down in the Chickasaw Nation.
Q Did they go across the line into Texas or not? A No sir.
Q Were you with her at that time? A Yes sir, all along.
Q When did she return to the Cherokee Nation? A She returned to the Cherokee nation in the fall of 1866.
Q Where did she return to? A The first place that she stopped was here in Fort Gibson.
Q And that was in the fall of 1866? A Yes sir.
Q How long did you know her after that time? A After that time I knowed her up until she died.
Q Whereabouts did she die? A I don't know sir where she did die at.
Q Which was the older you or Mary Rogers? A I don't know just which were the older, something near the same age I reckon.
Q Where was Ellis born? A He was born here on the River here.
Q Beforethe war? A Yes sir.
Q Has he lived in the Cherokee nation continuously since the war?
A Yessir, ever since the war.
Q Did his mother bring him back to the Cherokee nation with her?
A Yes sir.
Q Did you see him when you saw her? A Yes sir.

BY MR. DAVENPORT:
Q When was that you saw the applicant? A It was the fall of '66.
Q Do you remember distinctly in the fall of 1866? A Yes sir, I am satisfied it was.
Q You left the Cherokee nation? A Yes sir.
Q And went where? A Down in the Chickasaw nation.
Q His mother and this applicant didn't come back with you did they Jim? A No sir.
Q When did you come? A In the spring of '66 and made a crop over on Greenleaf here, and after I made my crop I went up to where I live now, and in the fall when I went back to gather my crop I met up with this applicant and his mother in Fort Gibson, which when I left the south I left them down there.
Q You say you came back in the spring of 1866? A Yes sir.
Q Who did you come back with? A With Alex Rider, and Bill McCracklin.
Q Might not you be mistaken, wasn't it the spring of 1867? A I don't know, I can't read and write any dates, they said it was '66.

ON BEHALF OF THE COMMISSIONER:
Q Were there any others in that party? A No sir.
Q Were Alex Rider and Bill McCracklin recognized Cherokee freedmen?
A Cherokees by blood, Alex Rider owned me.
Q And they returned the same time Mary Rogers did? A No sir, she returned afterwards in the fall.
Q And you returned with those two men? A Yes sir.
Q And she came that same year? A Yes sir, that same fall following she come.

The applicant states that he has no further testimony to introduce, the Cherokee nation submits the case, and the same will be closed and a decision rendered on the evidence now introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of November, 1905.

Notary Public.

Cherokee Freedman D 107

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ellis Rogers as a Cherokee Freedman.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That on April 16, 1901, Ellis Rogers appeared before the Commission to the Five Civilized Tribes at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on April 20, 1901, at Fort Gibson, and on May 24, 1901, and September 22, 23 and 24, 1903, at Vinita, Indian Territory.

The record further shows that on June 16, 1905, the Commission rendered its decision herein granting said applicant the right to enrollment as a Cherokee freedman, and that said decision, having been concurred in by the Commissioner of Indian Affairs, was duly forwarded to the Department; that thereafter, on October 16, 1905 (I.T.D. 7744-05), this case was remanded by the Department for further testimony, and that further testimony in the matter of said application was taken on November 16, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Ellis Rogers, was born in the Cherokee Nation about 1861, to one Mary Rogers, since deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicant, together with his mother, removed to the Chickasaw Nation during said rebellion, but that they returned to, and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation, and that the applicant has since continuously lived therein.

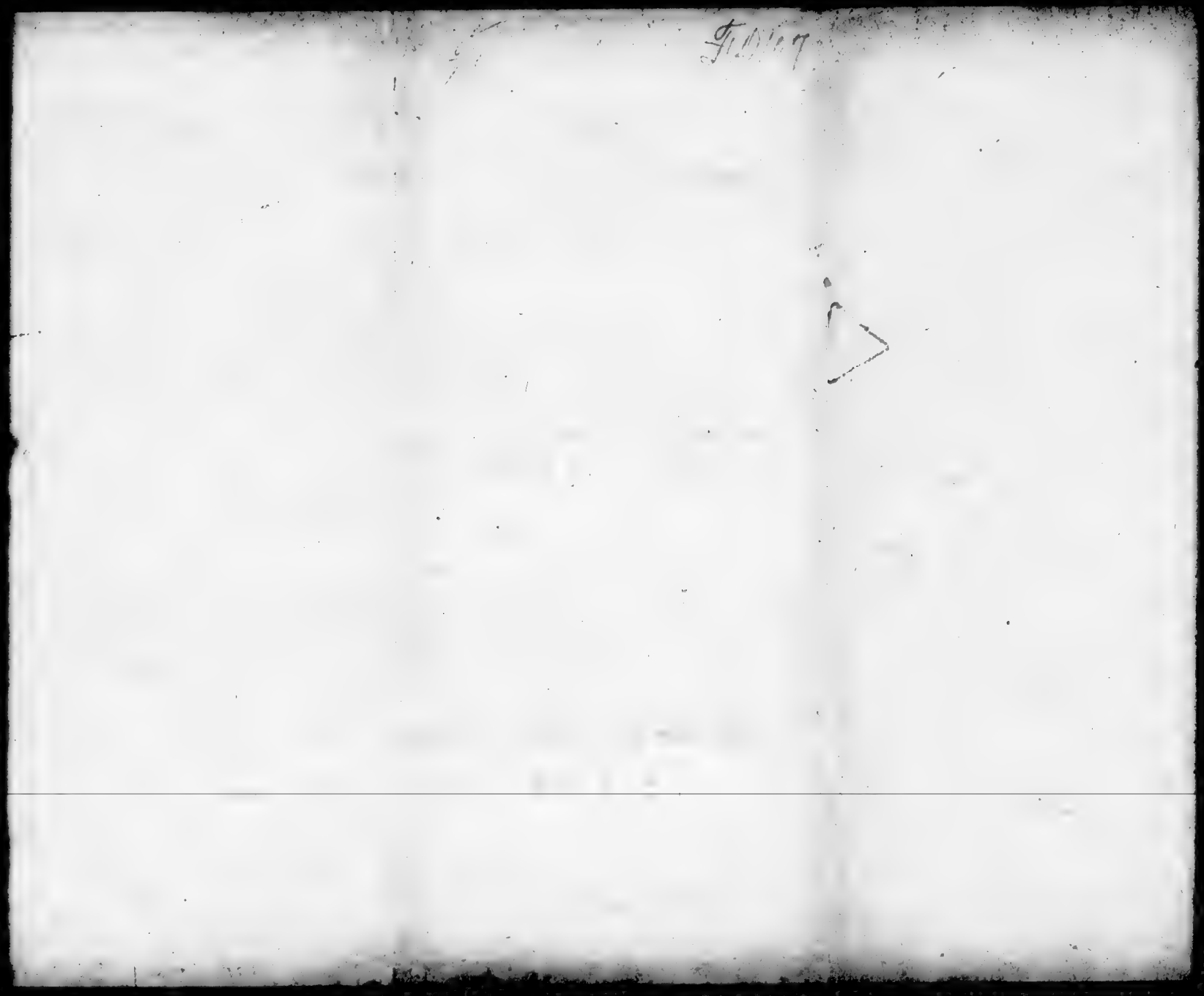
Conceding that the applicant herein was born prior to the beginning of the war in 1861, it will be presumed, in the absence of proof to the contrary, that his status followed that of his mother, and that at the commencement of said war he was the slave of a Cherokee citizen. Otherwise his rights to Cherokee freedman citizenship are to be considered as having been obtained through an ancestor, namely his deceased mother.

IT IS THEREFORE ORDERED AND ADJUDGED: That the opinion rendered in this case on June 16, 1906, by the Commission to the Five Civilized Tribes be affirmed , and that in accordance with the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Ellis Rogers is entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly granted.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this JAN 15 1906



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Ellis Rogers,
Chouteau, I.T.

Cherokee F-D-107
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-107.

Muskogee, Indian Territory, September 10, 1903.

Ellis Rogers,

Chouteau, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and that you returned to and resided in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of introducing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, June 16, 1905.

Ellis Rogers,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated June 16, 1905, granting said application, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(signed) Tams Bixby
Chairman.

Incl. S-79.
Register

COPY.

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Ellis Rogers as a Cherokee freedman, Commissioner C. R. Breckinridge dissenting.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) [illegible]

Chairman.

Incl. S-80.

COPY.

Cherokee Freedmen
D-107.

Muskogee, Indian Territory, June 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ellis Rogers as a Cherokee freedman, including the Commission's decision dated June 16, 1906, granting said application, Commissioner C. R. Breckinridge dissenting.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-81.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land
47215-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. June 23, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Ellis Rogers.

June 16, 1905, the Commission decided favorably to the applicant, Commissioner Breckinridge dissenting..

The record shows that one Mary Rogers , deceased, was the slave of a Cherokee citizen at the beginning of the war of the rebellion and was the mother of the applicant; that the applicant was born about 1862 and together with his mother was taken out of the Cherokee Nation and that they returned thereto on or before February 11, 1867 and the applicant has continuously resided in said Nation since their return.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

D. C. 83150-1905
I.T.D. 7744-1905
LRS

W. C. P.
Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission o the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Ellis Rogers as a Cherokee freedman including the decision of the Commission of June 16, 1905, holding that the applicant is entitled to be enrolled.

Reporting June 23, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The applicant was born during the war. The record does not show clearly that the applicant's mother, Mary Rogers, was a slave of a Cherokee citizen at the beginning of the war, neither is it clearly shown that the applicant returned to the Cherokee Nation prior to February 11, 1867.

The Department therefore does not feel warranted in approving the decision of the Commission as the record now stands.

The case is hereby remanded and it is desired that you take further testimony in the matter.

Respectfully,
(Signed) E. A. HITCHCOCK
Secretary

2 inclosures. (Land 47215-1905)
Through the Commissioner of Indian Affairs.

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, November 4, 1905.

Ellis Rogers,

Choteau, Indian Territory.

Dear Sir:

In connection with your Cherokee freedmen enrollment case you are hereby advised that this office is in receipt of Departmental letter of October 16, in which your case is remanded to this office for the purpose of taking further testimony. Testimony is required as to whether or not your mother, Mary Rogers, was a slave of a Cherokee citizen at the beginning of the war, and as to the date of her return to the Cherokee Nation after the war of the rebellion.

You are, therefore, hereby notified that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, November 16, 1905, and give testimony as indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in your case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-87
Register

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, November 4, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In connection with the Cherokee freedmen enrollment case of Ellis Rogers you are advised that this office is in receipt of Departmental letter of October 16, a copy of which is inclosed, in which said case is remanded to this office for the purpose of taking further testimony. Testimony is required as to whether or not the mother of Ellis Rogers, Mary Rogers, was a slave of a Cherokee citizen at the beginning of the war of the rebellion, and as to the date of her return to the Cherokee Nation after the war.

You are therefore hereby notified that said applicant has this day been advised that he will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 16, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony

as it may desire in this case.

Respectfully,

Incl. S-88

Commissioner.

Cherokee Freedmen

COPY.

D-107.

Muskogee, Indian Territory, November 29, 1905.

Ellis Rogers,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings of November 16, 1905, in the matter of your application for enrollment as a Cherokee freedman.

Respectfully,

SIGNED:

Acting Commissioner.

Incl. S-220

Cherokee Freedmen COPY.

D-107.

Muskogee, Indian Territory, January 15, 1906.

Ellis Rogers,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, granting your application for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

[redacted]

Tams Bixby.
Commissioner.

Incl. S-39

Register

COPY.

Muskogee, Indian Territory, January 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Ellis Rogers for enrollment as a Cherokee freedman, including the Commissioner's decision dated January 15, 1906, granting said application.

On October 16, 1905 (I.T.D. 7744-1905), this case was remanded to this office in order that further testimonybe taken in the matter.

Respectfully,

SIGNED:

Tams Bixby.

Commissioner.

Incl. S-41

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-107.

COPY.

Muskogee, Indian Territory, January 15, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, granting the application for the enrollment of Ellis Rogers as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be informed of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

[redacted]

Tams Bixby.
Commissioner.

Incl. S-40

Copy

Land:
5439-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application for enrollment as a Cherokee Freedman by Ellis Rogers.

January 15, 1906, the Commissioner decided favorably to the applicant.

The record shows that on June 16, 1905, the Commission to the Five Civilized Tribes rendered a decision granting the applicant enrollment as a Cherokee Freedman and that thereafter, on October 16, 1905 (ITD 7744-1905), the Department remanded the case for further testimony.

The evidence shows that the applicant was born in the Cherokee Nation about 1861 and is the child of Mary Rogers, since deceased, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that the applicant and his mother were taken from the Cherokee Nation during the war, and that they returned to the Nation and established a

residence therein on or before February 11, 1867, and that the applicant has since continuously lived in the Cherokee Nation.

In view of the record the approval of the Commissioner's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

J.F Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.18901
I.T.D.1592-1906.

May 12, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 25, 1906, you transmitted the record in the matter of the application for the enrollment of Ellis Rogers as a Cherokee freedman.

It appears that on June 16, 1905, the Commission to the Five Civilized Tribes rendered a decision, granting the applicant enrollment as a Cherokee freedman. Commissioner Breckinridge dissented from said decision.

On October 16, 1905, the Department remanded the case for further testimony.

On January 15, 1906, you rendered a decision in this case, granting the application of Ellis Rogers for enrollment as a Cherokee freedman.

Reporting January 25, 1906, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your

decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, May 22, 1906.

Ellis Rogers,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 12, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-72
LS

Cherokee Freedmen

D-107.

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, granting the application of Ellis Rogers for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 12, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-73
LS

Acting Commissioner.

REGISTRY RECEIPT.

Post Office at Manila P.I.

Registered { Letter / Parcel } No. 295 Rec'd 5/17 1899

of Bell Hastings & Davenport

Manila P.I.

addressed to Mr Ellis Rogers

Chotean

Walt Butler P. M.

END
OF
ROLL

